PLANNING AND DEVELOPMENT
COMMITTEE CITY OF HAMILTON

K.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

TEL: 546-2700
FAX: 546-2095

1990 August 16th

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1990 August 22nd
9:00 o'clock a.m.
Room 233, City Hall

Susan K. Reeder
Secretary

ZONING APPLICATIONS WILL BE HEARD IN THE COUNCIL CHAMBERS AT 10:30 O'CLOCK A.M.

AGENDA

9:00 o'clock a.m. Joint Meeting - Planning and Development Committee and Transport and Environment Committee respecting correspondence referred from City Council from the Hamilton Harbour Commissioners - Windermere Basin Rehabilitation Project.

PRIVATE AND CONFIDENTIAL AGENDA

CONSENT AGENDA

BUILDING COMMISSIONER

1. Clearing of premises - 1306 King Street East.

2. Demolition Permit Applications:

   (a) 702 Stone Church Road East.
   (b) 46 Limeridge Road East.

DIRECTOR OF COMMUNITY DEVELOPMENT

3. Hamilton Street Railway Proposal for Locating Transit Shelters in the Downtown Hamilton Area.

4. Phase IV of the Downtown Action Plan; Implementation of the Sanitation Recommendation - Public Service Announcement.

DIRECTOR OF PROPERTY

5. Use of a portion of Commonwealth Square by H.E.C.F.I. (Hamilton Place).

6. Beasley Priority One Park:

   (a) Expropriation - 43 Elgin Street.
   (b) Lease termination - 44 Elgin Street.

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

COUNCIL CHAMBERS

10:30 O'CLOCK A.M.

7. Zoning Application 90-24, P. and M. Giraldi, owners, for a change in zoning from "AA" to "C" for the rear part of property at 779 Rymal Road East; Eleanor neighbourhood.

8. Zoning Application 90-47, Buckingham York Ltd., owner, for a modification to the "E-3" District regulations for properties at 150-158 Catherine Street South, Corktown Neighbourhood.

9. Zoning Application 90-53, Hamilton Builders' Supply Limited, owner, for a modification to the "AA" District regulations for property at 164 Limeridge Road East; Greenington Neighbourhood.

10:45 O'CLOCK A.M.

10. Zoning Application 90-45, Simcoe and Erie General Insurance Company, lessee, for a further modification to the "L-mr-2" District regulations for properties at 39 and 41 Devonport Street; Strathcona Neighbourhood.

11. Zoning Application 90-51, 789068 Ontario Ltd. (D. Valentini), owner, for a modification to the "M-13" District regulations for land on the east side of Pritchard Road in the area south of Highland Road; Hannon North Neighbourhood.

12. Zoning Application 90-19, D. J. Armstrong, owner, for a further modification to the "HH" District regulations for land at the south-west corner of Upper Sherman Avenue and Limeridge Road East; Thorner Neighbourhood.

11:00 O'CLOCK A.M.

13. Zoning Application 90-31, 877175 Ontario Inc. (K. Murray), owner, for a change in zoning from "C" to "H" for property at 710 Upper James Street; Bonnington Neighbourhood.

14. Zoning Application 88-124, R.H.B. Murray and M.A. Murray, owners, for a change in zoning from "C" to "H" for properties at 694-696 Upper James Street; Bonnington Neighbourhood.

11:15 O'CLOCK A.M.

15. Zoning Application 89-95, Diton Construction Ltd., applicant, for a modification to the "D" District regulations for property municipally known as 323 and 325 Wentworth Street North; Landsdale Neighbourhood.

16. Zoning Application 89-101, S. Mancinelli, H. Mancinelli and R. Persi, owners, for a change in zoning from "AA" to "E-2" for properties at 1334, 1340, 1342 and 1348 Upper Sherman Avenue; Rushdale Neighbourhood.

    (a) Letter of Submission - Mr. & Mrs. Chesla, 7 Ruby Street.

12:00 O'CLOCK NOON - LUNCH

DIRECTOR OF LOCAL PLANNING

17. Zoning Application 90-36, Carriage Gate homes Ltd., prospective owner, for the rear parts of 1422 and 1430 Upper Sherman Avenue; Butler Neighbourhood.

18. Proposed Amendment No. 23 to the Official Plan of the City of Stoney Creek.

19. Proposed renaming of Alma Avenue to Eaglewood Drive; Eleanor Neighbourhood.

20. Other Business.

21. Adjournment.

CITY OF HAMILTON

— RECOMMENDATION —

1.

DATE: 1990 August 15

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. L. C. King, P. Eng.
Building Commissioner

SUBJECT: 1306 King Street East, Hamilton

RECOMMENDATION:

a) i) That the City Solicitor be authorized to prepare a by-law for the clearing of the premises located at municipal number 1306 King Street East of domestic and industrial waste.

ii) That the City Solicitor be authorized to prepare a by-law for the repair of the building in accordance with the Orders issued, which have been before the courts and convictions registered.

L. C. King, P. Eng. Building Commissioner

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The cost of the removal of this domestic waste and repairs to the building will be added to the tax roll to be collected in a like manner as municipal taxes. We estimate the cost of the removal of this waste and repairs to be approximately $5,000.00 plus administration costs.

BACKGROUND:

This property has been the focus of numerous complaints regarding the condition of the property.

The owner of the property has not seen fit to comply with the requirements of the City of Hamilton By-Laws.

For the information of the Committee, this Department has already received two convictions in By-Law Court and fines have been registered, with regards to By-Law 84-35. We have also received two convictions with regards to the unsafe condition of the fire escape and the front porch.

FOR ACTION

2a.

REPORT TO: The Planning and Development Committee

FROM: L.C.King, Building Commissioner

DATE: 15 August 1990
COMM. FILE:
DEPT. FILE:

RECOMMENDATION: That the Building Commissioner be authorized to issue a demolition permit for the following property: -

SUBJECT: DEMOLITION OF: 702 STONECHURCH ROAD EAST

PRESENT ZONING: "C" (Residential Single Family)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: One storey wood frame construction with wood siding on block foundation.

BACKGROUND: It is the intention of the owner to demolish the existing 26'X 24' single family dwelling and to erect a new single family dwelling. Lot size 94.5' X 500.00'.

The owner of the property as per demolition permit application is: -

Andrew Markowski
234 Fernwood Crescent
HAMILTON, ONtario
L8T 3L6
Telephone 388-1244

FOR ACTION

2b.

REPORT TO: The Planning and Development Committee

FROM: L.C. King, Building Commissioner

DATE: 15 August 1990
COMM. FILE:
DEPT. FILE:

RECOMMENDATION: That the Building Commissioner be authorized to issue a demolition permit for the following property: -

SUBJECT: DEMOLITION OF: 46 LIMERIDGE ROAD EAST

PRESENT ZONING: "C" (Single Family Residential)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant - Red Hill Creek Expressway

BRIEF DESCRIPTION: **The following background information is from the Property Department.**

BACKGROUND: The Property Maintenance Division of the Property Department has inspected the building and advise that some $7,000.00 will be required to restore the building to a habitable condition, including costs to remove an unsafe residential lifting device. The property is required for future Red Hill Creek Expressway roadwork. As a result, we therefore recommend that the building be demolished as quickly as possible.

The property was approved for demolition by Regional Council on July 17, 1990.

The owner of the property as per demolition permit application is: -

City of Hamilton

3.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1990 August 14

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

SUBJECT: Hamilton Street Railway Proposal for Locating Transit Shelters in the Downtown Hamilton Area

RECOMMENDATION:

a) That, in accordance with Phase II of the H.S.R. Bus Shelter Proposal, H.S.R. be given approval to install bus shelters in the proposed locations other than Gore Park as follows:

2 transit shelters on James Street South, west side, south of King Street West (Canadian Imperial Bank of Commerce and the Pigott Building)

2 transit shelters around the Eaton's Centre, one on James Street North, west side, near York Boulevard and one on York Boulevard, south side, near James Street North

1 transit shelter to be installed in front of the Standard Life Building, north side, of King Street West at Bay Street

E. Kowalski

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

On 1989 April 25, City Council approved Phase I of the H.S.R. Transit Shelter Proposal as recommended by the Downtown Action Plan Co-ordinating Committee (DAPCOM).

...../2

On 1990 July 12 the Downtown Action Plan Co-ordinating Committee with representation from the Urban Design Committee and the Veteran's Committee, heard a presentation by H.S.R. regarding the placement of additional transit shelters in the downtown area. As a result, the above recommendation is being forwarded to the Planning and Development Committee.

DAPCOM did not approve the location of any transit shelters in the Gore Park area until the Public Works Department co-ordinates a Committee and initiates a comprehensive review of Gore Park, its maintenance, uses and design elements and reports back to the Downtown Action Plan Co-ordinating Committee. This Committee will be comprised of representatives from DAPCOM, CAPIC, Urban Design, the Downtown Promenade B.I.A. and various technical staff.

cc: Alderman Wm. McCulloch, Chairman
DAPCOM

Alderman J. Smith, Chairman
Urban Design Committee

Mr. M. Roach, Chairman
The Veteran's Committee

Mr. D. Godley, Manager
Neighbourhood Planning (CAPIC)

Mr. A. McLaughlin
Hamilton Street Railway

4.

FOR ACTION

REPORT TO: Mrs. S. Reeder
Secretary, Planning and Development Committee

DATE: 1990 August 15

FROM: Mr. E. W. Kowalski
Director, Community Development Department

DEPT FILE: 800-0602.4

SUBJECT: Phase IV of the Downtown Action Plan;
Implementation of the Sanitation Recommendation,
Public Service Announcement (P.S.A.)

RECOMMENDATION:

That, the Sanitation Implementation Committee proceed with the development of a second yearly "Keep Hamilton Clean Public Service Announcement" in co-ordination with the Broadcasting Department at Mohawk College, the Keep Hamilton Clean Committee and the Downtown Action Plan Co-ordinating Committee (DAPCOM) to promote the objectives of Phase IV of the Downtown Action Plan, Sanitation Study.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

The approximate cost to hold a Public Service Announcement competition is three thousand dollars ($3,000.). Funds are available in Phase IV of the Downtown Action Plan under the Account No. CF 5698 428803006.

BACKGROUND:

On 1988 November 29 City Council approved Section 1 of the 23rd Report for 1988 for the Planning and Development Committee that: Steps one through four and six of the recommended action plan of the City of Hamilton's Sanitation Study, Phase IV be approved. Step No. 1 authorized the establishment of a Business/Municipal Liaison Committee. This Committee, called the Sanitation Implementation Committee, comprised of representatives from Community Development, Public Works, the Keep Hamilton Clean Committee, the Downtown Promenade, Jamesville and International Village B.I.A.'s, have been meeting since 1989 January to implement the other steps identified in the Sanitation Study. In 1989 and 1990, the Committee worked with Mohawk College for the purpose of preparing a competition for the students to produce a Public Service Announcement. On 1990 April 10, City Council presented cheques and plaques to the first and second prize winners of the Public Service Announcement, "Keep Hamilton Clean" competition.

CHCH-TV has been airing the Public Service Announcement at no charge to the City of Hamilton. A calendar for 1991 will be prepared which will contain helpful hints for care and storage of garbage. A caricaturist will be working with H. Reinhold from the Public Works Department. Each page will be sponsored at a cost of seven hundred and fifty dollars ($750.) each.

...../2

The calendar will sell for approximately two dollars ($2.00) each. "Spotless" the litter watch dog of the Keep Hamilton Clean Committee will continue to promote 'Keep Hamilton Clean'.

cc: Alderman Wm. McCulloch, Chairman
DAPCOM

Alderman B. Hinkley, Chairman
Keep Hamilton Clean Committee

Mr. J. Pavelka, Director
Public Works Department

5.

CITY OF HAMILTON

— RECOMMENDATION —

DATE: 1990 August 10

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

DEPT. FILE: 1.1.11(a)

AUG 1 6 1990

SUBJECT: **Use of a portion of Commonwealth Square by Hamilton Entertainment and Convention Facilities Inc. (Hamilton Place)**

RECOMMENDATION:

a) That Hamilton Entertainment and Convention Facilities Inc. (Hamilton Place Theatre) be authorized to use a portion of Commonwealth Square measuring approximately 36 feet x 60 feet, situated immediately west of the doors leading to and from the Piano Nobile of the Theatre, for the purposes of establishing an outdoor patio to be used in conjunction with events taking place at the Theatre, at the pleasure of City Council.

b) That the use of Commonwealth Square by Hamilton Entertainment and Convention Facilities Inc. be approved subject to Hamilton Entertainment and Convention Facilities Inc. receiving approval from the Liquor Licence Board of Ontario to extend their licence to this outdoor area.

for **D. W. Vyce**

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

Enclosed herewith is a copy of a letter I have received from Hamilton Place Theatre, a division of Hamilton Entertainment and Convention Facilities Inc. with respect to the controlled use of a portion of Commonwealth Square in connection with various functions that take place in the Theatre.

The space contemplated for use is shown in red on the attached plan and is situated immediately west of the doors leading from the Piano Nobile. It is proposed to enclose the area to be utilized with the type of enclosure that can be removed quite readily if required, and place on the space chairs and tables for the patrons of Hamilton Place Theatre to enjoy and relax upon. It is planned to serve alcoholic beverages and light snacks within the space from the Piano Nobile and therefore, the approval of the Liquor Central Board of Ontario will be required as this particular area of Commonwealth Square is not licenced for such events. As a matter of interest, the portion of Commonwealth Square adjacent to the south wall of the Art Gallery is currently licenced and special events are held there from time to time in conjunction with the Hamilton Convention Centre.

Commonwealth Square falls under the jurisdiction of the City and it is for this reason, Hamilton Entertainment and Convention Facilities Inc. (Hamilton Place Theatre) seeks the City's permission to use same.

There is no question the Square is underutilized. The type of use contemplated will bring people to the Square and make it vibrant and alive. The area requested for use represents the easterly limit of the Square and will not conflict with other uses of the Square nor the casual travel across the Square to and from the overhead pedestrian bridge across King Street West.

Frankly, I believe the use of this portion of the Square by Hamilton Place Theatre is highly desirable and advantageous to the City in general.

Attach.

c.c. Alderman H. Merling, Chairman, Hamilton Place Theatre Committee

Mayor Robert M. Morrow

Mr. Lou Sage, Chief Administrative Officer

Mrs. P. Noé Johnson, City Solicitor

Mr. T. Burrows, Director of Hamilton Place

Mr. G. Macaluso, Managing Director/Chief Executive Officer, H.E.C.F.I.

Ms. P. Bennett, Secretary, H.E.C.F.I. Board

Mr. B. Snetsinger, Director of Marketing & Sales, H.E.C.F.I.

HAMILTON
PLACE
THEATRE

Box 2080, Station A
Hamilton, Ontario
Canada L8N 3Y7
Tel. 416/546-3100
Fax 416/521-0924

Property Department
Real Estate Division
Date Aug 9/90

File No.	Inf.	Act
Director		
Manager		
Chief Appraiser		
Architect Div.		
Prop. Maint. Div.		
Secretary		

August 3, 1990

Mr. Dan Vyce,
Director of Property,
Co-ordinator of Jackson Square,
City of Hamilton,
City Hall,
Hamilton, Ontario.

Dear Mr. Vyce:

The HECFI Board of Directors, at its meeting held on July 20, 1990, approved the following recommendation which was presented by the Hamilton Place Committee at its meeting held on June 28, 1990:

> **STAFF BE DIRECTED TO FORMALLY REQUEST APPROVAL OF THE COORDINATOR OF LLOYD D. JACKSON SQUARE AND DIRECTOR OF PROPERTY TO EXTEND THE HAMILTON PLACE LIQUOR LICENCE TO INCLUDE THE AREA DIRECTLY OUTSIDE THE PIANO NOBILE, LEADING ON TO COMMONWEALTH SQUARE.**

The serving of drinks on Commonwealth Square from the Piano Nobile of Hamilton Place will do much to add to the social ambience of this area. Patrons would have the opportunity to enjoy at least a portion of the Square when they attend performances in the Great Hall.

The area in question would conform to the requirements of the Liquor Licence Board. Patrons would be able to sit at tables and chairs after having obtained their drinks from the bar in the Piano Nobile.

Attached is a drawing of the area in question.

Commonwealth Square has long been underutilized. Opening the Square to the patrons of Hamilton Place will assist in the long term goal of developing this area as an activity centre for the people of Hamilton.

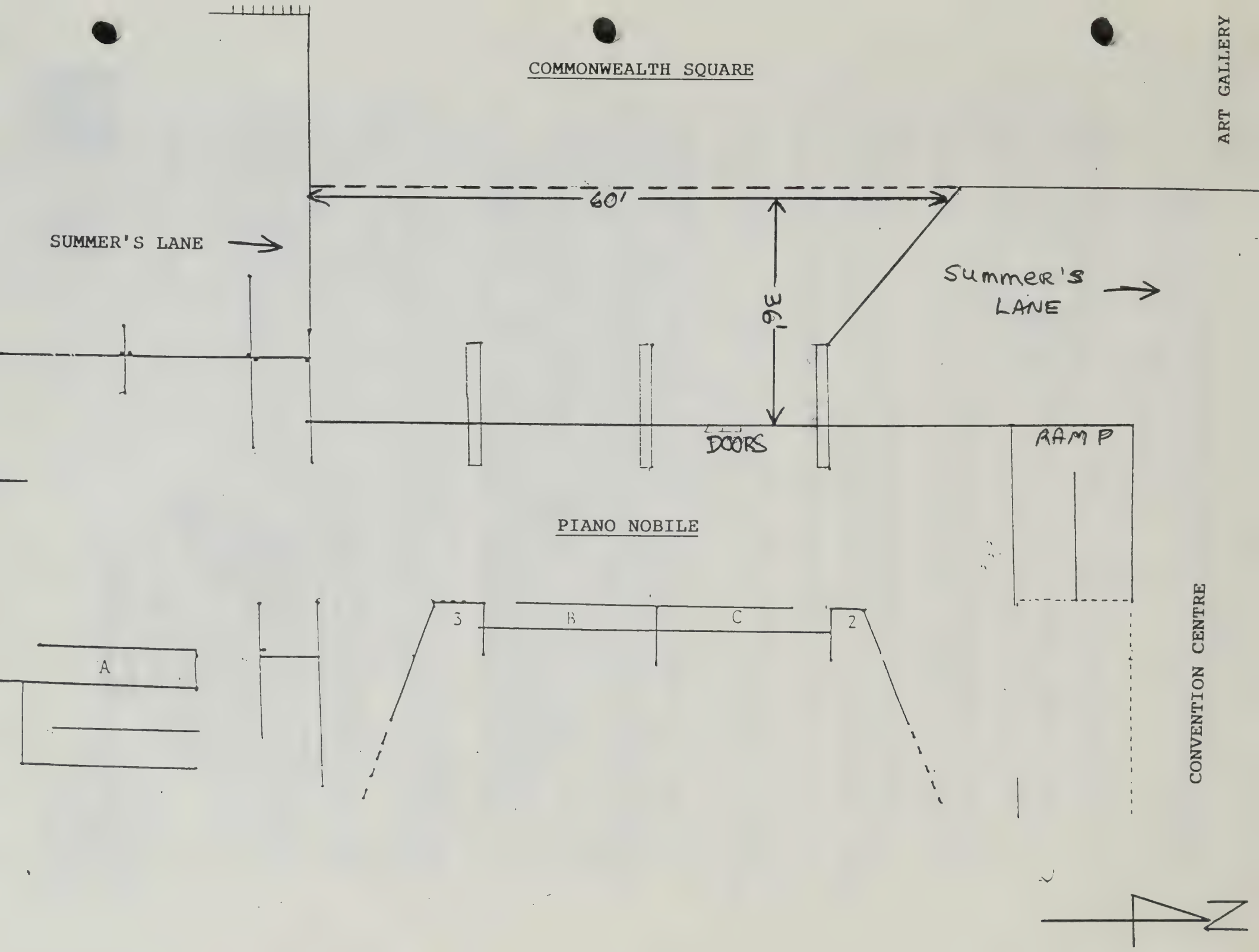
We trust that permission will be given for an application to be made to the Liquor Licence Board to serve beverages in this area.

Yours very truly,

Robert Ellison
Assistant Director

c.c. Tom Burrows Pat Bennett
Barry Snetsinger
Gabe Macaluso

Attachment


COMMONWEALTH SQUARE
ART GALLERY
60'
36'
SUMMER'S LANE
Summer's LANE
DOORS
RAMP
PIANO NOBILE
A
3
B
C
2
CONVENTION CENTRE

CITY OF HAMILTON

— RECOMMENDATION —

6.

DATE: 1990 August 16

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

DEPT. FILE: (4506)

AUG 1 6 1990

SUBJECT: **Beasley Priority One Park**
(a) Expropriation - 43 Elgin Street
(b) Lease Termination - 44 Elgin Street

RECOMMENDATION:

a) That the non-residential property located at 43 Elgin Street which was approved for acquisition by City Council on March 9, 1976 be acquired through expropriation and that the City Solicitor be directed to take the appropriate actions required, including preparation of all appropriate by-laws.

b) That the City Clerk be authorized and directed to:

   i) give Notice of the City's Application as Expropriating Authority to all owners, registered owners and tenants (as defined in The Expropriations Act) for approval to expropriate for Park and Recreational purposes pursuant to the approved Beasley Neighbourhood Plan.

   ii) advertise Notice of the City's Application in a newspaper as required by the Expropriations Act, and

   iii) sign and receive the said Application for Approval to Expropriate.

c) That the amount of $150,000.00 be transferred from Account No. CH 00201 (Reserve for Parklands) to Account No. CF 5590 628650005 (Beasley Park Acquisition).

d) That the costs associated with this expropriation be charged to Account No. CF 5590 628650005 (Beasley Park Acquisition).

e) That the Director of Property and the City Solicitor be authorized to terminate the lease and obtain vacant possession of the property located at 44 Elgin Street.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

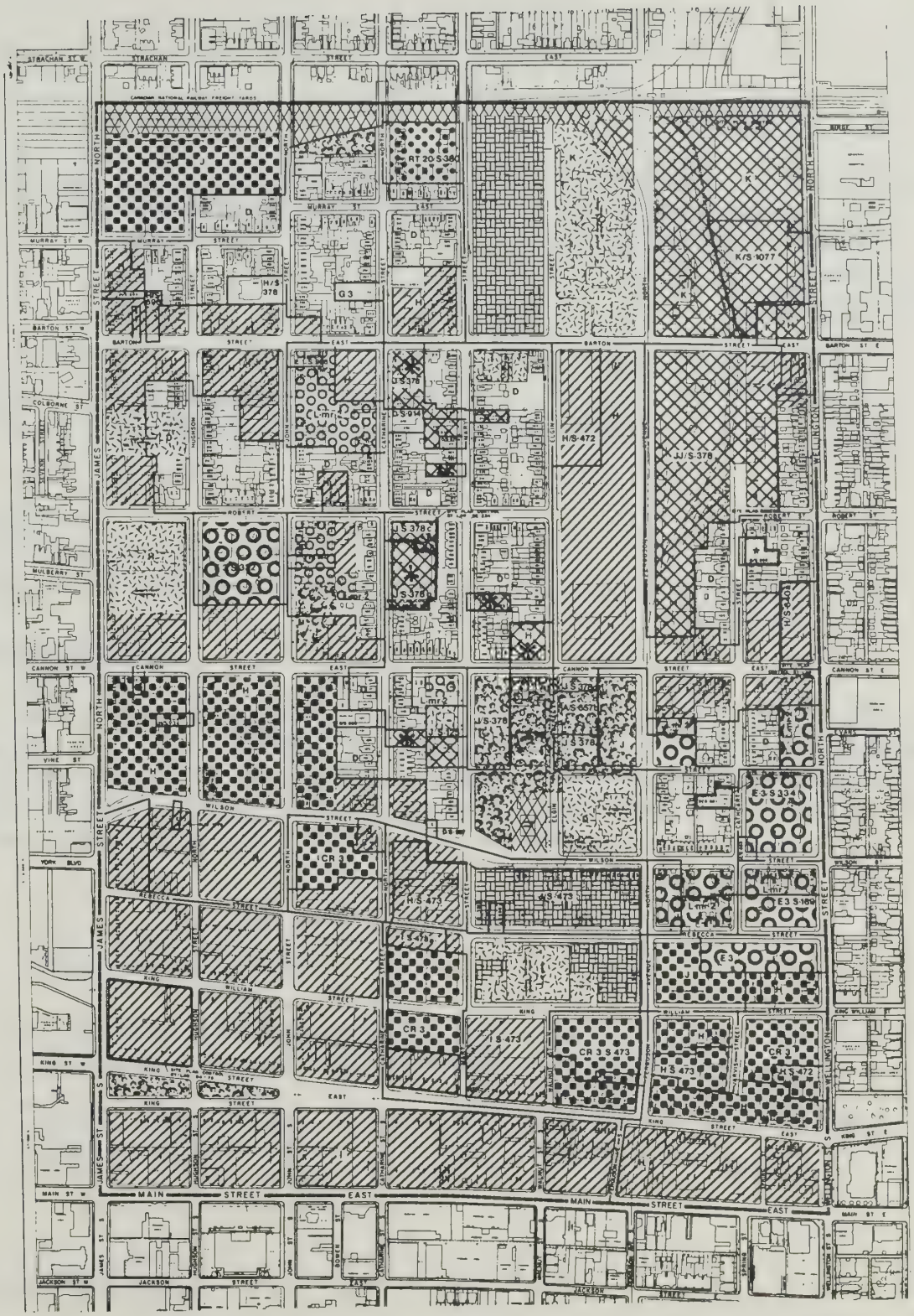
See above recommendation.

BACKGROUND:

The subject lands are required to implement the approved Beasley Neighbourhood Plan, first adopted by City Council on November 27, 1973, and most recently revised in January 1990. The subject lands have been designated "Park and Recreational" on the plan, and more specifically, have been designated as a "Priority One Park" pursuant to Council's adoption of Section 17 of the Report of the Board of Control on March 9, 1976.

In order to meet the critical path scheduling for construction in the Spring 1991 for the Central/Beasley P.R.I.D.E. programme, approved by City Council in the 1990-1994 Capital Budget and 50% funded by the Province, expropriation is required at this time. This is consistent with the policy approved by City Council on May 10, 1977 by the adoption of Item 4(c) of the Fifth Report of the Parks and Recreation Committee.

Attach.
c.c. - Mrs. P. Noé Johnson, City Solicitor
- Mr. E. C. Matthews, Treasurer
- Mr. R. Douglas, Manager of Field Surveys
- Mr. E. W. Kowalski, Director of Community Development
- Mr. A. L. Georgieff, M.C.I.P., Director, Local Planning Division
Attention: Mr. D. Godley



NOTE: This is a **GUIDE PLAN** only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

★ Temporary Parking (See Zoning Application 83-73)

* Future Uses On The Site May Be Industrial, Commercial Or Residential In Accordance With The Central Area Plan Performance Standards.

EXISTING POPULATION (1988) 5438

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES
- COMMERCIAL & INDUSTRIAL

— — — Neighbourhood Boundary
——— Zoning Boundary

Approvals

Planning Committee June 21,1973 Council Nov. 27,1973

Latest Revision Date JAN. 1990

CITY OF HAMILTON
PLANNING DEPARTMENT

BEASLEY

APPROVED PLAN

NORTH

SCALE 0 50 m 100 m

7.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: 1990 August 1
COMM. FILE:
DEPT. FILE: ZA-90-24
Eleanor
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a change in zoning - lands at the rear of No. 779 Rymal Road East.

RECOMMENDATION

That approval be given to amended Zoning Application 90-24, Pietro and Maria Giraldi, owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to create three building lots for single-family detached dwellings, fronting onto Eaglewood Drive, for property located at the rear of No. 779 Rymal Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the subject property be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38D for presentation to City Council; and,

iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for property located at the rear of No. 779 Rymal Road East, as shown on the attached map.

The effect of the By-law is to create three building lots for single-family detached dwellings, fronting onto Eaglewood Drive.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

o Proposal

The applicants are proposing to create three building lots for single-family detached dwellings, fronting onto Eaglewood Drive.

o H-5-90 and H-6-90

At its meeting of January 9, 1990, the Land Division Committee approved the above severances for the subject lands, subject to the following conditions:

"1. Satisfy ALL requirements of the City of Hamilton.

2. Pay a Capital Lot Levy of 2,068.00 (per lot) to the Regional Department of Finance.

3. Submit a deposited Ontario Land Surveyor's Reference Plan of the conveyed parcels to the Land Division Committee office, unless exempted by the Land Registrar.

4. Submit proof of final approval of any necessary change of zoning/zoning amendment.

5. Submit proof that 'Bar-Brock Estates - Phase Two' has been registered.

6. Pay City and Regional servicing costs and lift the one-foot reserve to the satisfaction of the Regional Engineering Department."

The applicants have not fulfilled all conditions with respect to the severances.

APPLICANTS

Pietro and Maria Giraldi, owners.

LOT SIZE AND AREA

- 40.234 m (132 feet) of lot frontage on Eaglewood Drive;
- 32.367 (106.2 feet) to 35.657 (117 feet) of lot depth; and,
- 1,357.5 m^2 (14,612 square feet) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"AA" (Agricultural) District
Surrounding Lands		
to the north and west	vacant	"C" (Urban Protected Residential, etc.) District
to the south	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the east	vacant	"AA" (Agricultural) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept, the proposal complies.

NEIGHBOURHOOD PLAN

Designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Eleanor Neighbourhood Plan, the proposal complies.

COMMENTS RECEIVED

o The following agencies have no comment or objection:

- Hamilton Region Conservation Authority; and,
- Traffic Department.

o The Building Department has advised that:

"1. The three (3) lots created under the Land Division Committee decisions H-5-90 and H-6-90 and the rear 3.29 m of the lot containing the newly constructed single-family dwelling known as 779 Rymal Road East shall be included in this zoning application to change the zoning from 'AA' to 'C' district.

2. The rear 3.29 m of the lot containing the existing single-family dwelling known as 783 Rymal Road East, which is adjacent to the southerly boundary of the lands to the rear of 779 Rymal Road East, also appear to be included in this zoning application, if not, it should be considered."

o The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains and separate storm and sanitary sewers are available to service the subject lands.

As the applicant is aware, Bar Brock Estates plan of subdivision (62M-643) abuts the land to the north. The lands to be rezoned require access to Eaglewood Drive on Plan 62M-643 and as a condition of zoning/development approval the applicant must take the necessary steps to lift Block 22 (0.3 m reserve) on Plan 62M-643 and pay all outstanding servicing costs to the Region/City etc.

In conjunction with this application, the applicant has also submitted Land Severance Applications H-5-90 and H-6-90. We also recommend that access to the easterly retained parcel on Eaglewood Drive be on the west side of the lot to maximize motorist visibility looking west on Eaglewood Drive through the horizontal."

COMMENTS

1. The proposal complies with the intent of the Official Plan.

2. The proposal complies with the intent of the approved Eleanor Neighbourhood Plan.

3. The amended proposal has merit and can be supported for the following reasons:

   i) it implements the intent of the Official Plan and the approved Eleanor Neighbourhood Plan;

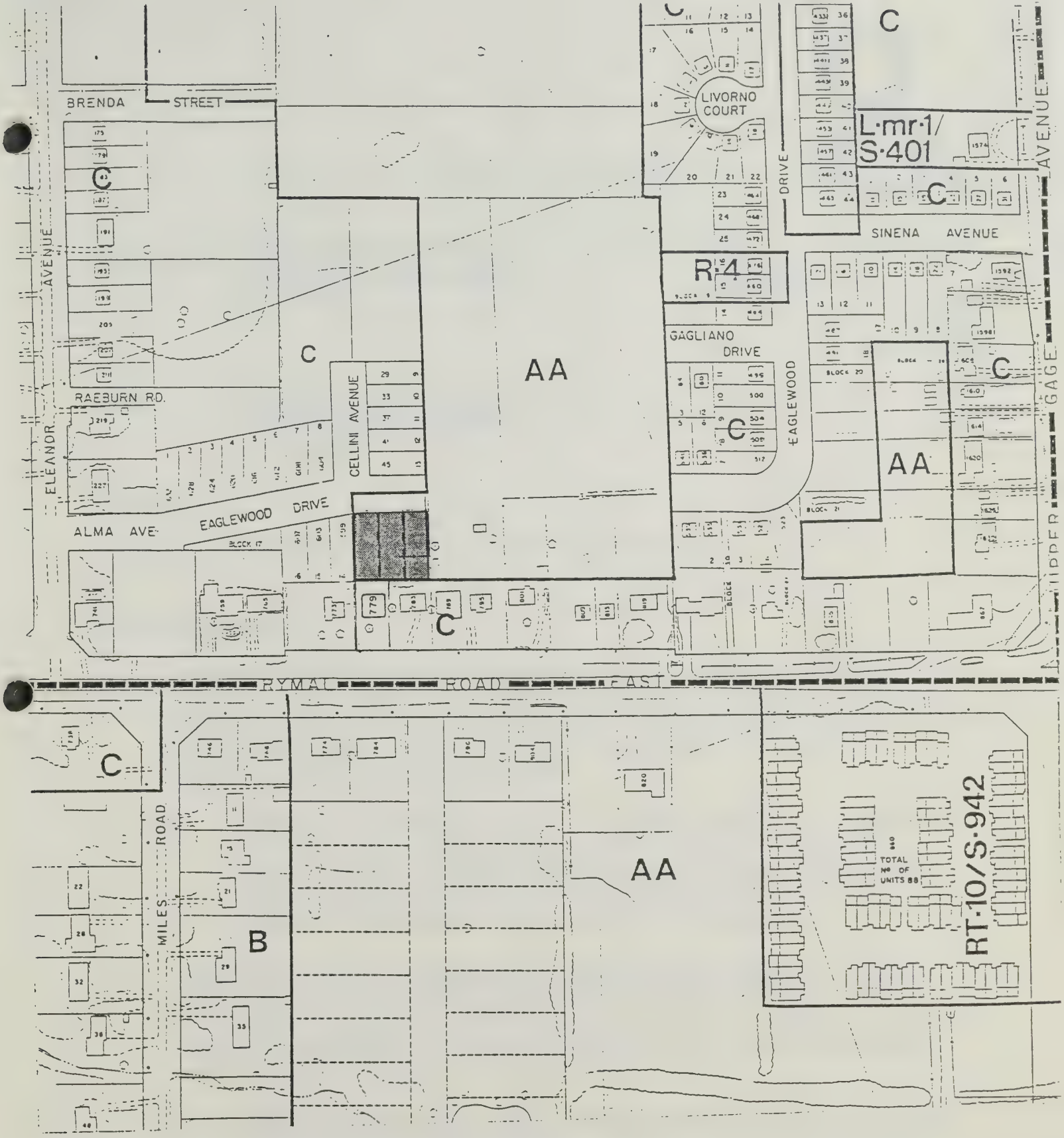
   ii) it would be compatible with the existing and future planned development in the area; and,

   iii) the requested zoning is appropriate for the subject development.

CONCLUSION

On the basis of the foregoing, the amended application can be supported.

MLT:ma
WPZA9024



LEGEND

SITE OF THE APPLICATION

ZA 90-24

APPENDIX A

8.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: August 15, 1990
COMM. FILE:
DEPT. FILE: ZA-90-47
Corktown
Neighbourhood

FROM: JIM THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT
DEPARTMENT

SUBJECT:

Request for a modification in zoning - Nos. 150-158 Catherine Street South.

RECOMMENDATIONS:

1) That Zoning Application 90-47, Buckingham York Ltd, owner, requesting a modification to the "E-3" (High Density Multiple Dwellings) District, to permit the use of the subject lands for a temporary parking lot not to exceed three years, for the properties located at Nos. 150-158 Catherine Street South, as shown on the attached map marked as APPENDIX "A", be DENIED as submitted, for the following reason:

   i) a portion of the subject lands (Nos. 150-152 Catherine Street South) is occupied by two "listed" heritage buildings. In this regard, City Council previously denied the applicant's request for a demolition permit and placed the lands under Demolition Control. Approval of the application would undermine the intent of Council's application of the Demolition Control provisions of the Planning Act.

2) That approval be given to an amended Zoning Application 90-47, Buckingham York Ltd, owner, requesting a modification to the "E-3" (High Density Multiple Dwellings) District, to permit the use of the subject lands for a temporary parking lot not to exceed three years, for the properties located at Nos. 156-158 Catherine Street South, as shown on the attached map marked as APPENDIX "B", on the following basis:

   i) That the "E-3" (High Density Multiple Dwellings) District, as contained in Section 11C of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

a) That notwithstanding Section 11C(1)(i) of By-law No. 6593 and in accordance with Section 38 of the Planning Act R.S.O. 1983, the temporary parking of motor vehicles for a three year period from the date of the passing of the by-law shall be permitted.

b) That a minimum 1.5 m wide landscaped strip and a 1.2 to 2.0 m high visual barrier shall be provided and maintained along the northerly and westerly lot lines.

c) That a minimum 1.5 m wide landscaped strip shall be provided and maintained along the easterly and southerly lot lines except for any area(s) used for vehicular access.

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-5 be notated S- ;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-5 for presentation to City Council;

iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

3) That the amending by-law not be passed by City Council until a Site Plan has been approved by the Planning and Development Committee.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a modification to the "E-3" (High Density Multiple Dwellings) District, for the properties located at Nos. 156-158 Catherine Street South, as shown on the attached map.

The effect of the by-law is to permit the use of the subject lands for a temporary parking lot not to exceed three years. In addition, the by-law provides for ther following special requirements:

- a minimum 1.5 m wide landscaped strip and a 1.2 to 2.0 m high visual barrier to be provided and maintained along the northerly and westerly lot lines; and,

- a minimum 1.5 m wide landscaped strip to be provided and maintained along the easterly and southerly lot lines except for any area(s) used for vehicular access.

A. L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

APPLICANT:

Buckingham York Ltd, owner.

BACKGROUND:

In April, 1990, the owners of the land applied for a demolition permit for the two properties at Nos. 150-152 Catherine Street South. At that time, it was the applicant's intent to develop the subject lands for a high rise apartment building. However, in May 1990, the owner submitted an application to zone the lands for "temporary use" as a parking lot.

Council, at its meeting of May 29, 1990, approved the Planning and Development Committee's recommendation to place the buildings under Demolition Control, in accordance with Section 33 of the Planning Act.

LOT SIZE AND AREA:

- 33.5 m (110 ft.) of lot frontage on Catherine Street South;
- 36.5 m to 39.6 m (119.75 to 130 ft.) of lot frontage on Young Street; and,
- 1,267.1 m^2 (13,639 sq. ft.) of lot area.

LAND USE AND ZONING:

	Existing land use	Existing zoning
Subject lands	two single-family dwellings and a vacant parcel	"E-3 (High Density Multiple Dwellings) District

Surrounding Lands

to the north	single-family dwellings	"E-3" (High Density Multiple Dwellings) District
to the south	multiple dwellings	"CR-2" (Commercial-Residential) District
to the east	multiple dwellings, one and two-family dwelling	"E-3" (High Density Multiple Dwellings) District
to the west	church, vacant parcel	"H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A". The following policy applies, among others:

"2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together."

Parking is not a permitted use within the RESIDENTIAL designation. However, Policy B.3.3.9 regarding "temporary" parking lots applies:

"B.3.3.9 In accordance with The Planning Act, and Sub-section D.3 of this Plan, those lands that are vacant and which may be advantageously utilized to relieve PARKING difficulties in the City may be authorized by Council to be used as "temporary" PARKING lots, subject to the following:

i) Temporary PARKING areas will not unduly impede pedestrian movement, or the use of Residential, Open Space or other public lands;

ii) Temporary PARKING areas will be sited and designed to reflect the best interests of the local area;

iii) The use of such vacant lands for temporary PARKING will not exceed three (3) years; and

iv) Notwithstanding the above, Council may extend approval for temporary PARKING for additional periods as provided for in clause iii) above, upon termination of the approval period where specific application to Council for such extended approval is made."

Based on the above Policy, the proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "High Density Apartments" in the approved Corktown Neighbourhood Plan. However, a redesignation is not required since the long term land use is for residential purposes.

RESULTS OF CIRCULARIZATION:

o The following Department and agency have no comments or objections:

- Building Department; and,
- Hamilton Region Conservation Authority.

o LACAC has advised that:

"These two, 2 1/2 storey late Victorian brick houses are both listed on the City's Inventory of Buildings of Architectural and/or Historical Interest. They are almost identical in design to the house next door at 148 Catherine Street South, which has been well maintained. The latter is part of a three-unit terrace, which together with the two houses at #150 and #152, form an architecturally cohesive row. This setting is typical of Corktown, an area of transition characterized by a mixture of 19th and early 20th century housing, high-rise apartment buildings, and vacant land.

The revised application has been reviewed by the Research Sub-Committee and LACAC members present at a special meeting of LACAC held August 8th. Committee members felt strongly that the provisions of the Demolition Control By-law should remain in place; and hence, that the owner should not be permitted to demolish the two houses for a temporary parking lot. LACAC has expressed concern on a number of occasions over the loss of heritage buildings for parking lots. This is particularly evident in Corktown, where the historic urban fabric has already been seriously eroded by the loss of numerous 19th century buildings, which in many cases still have not been replaced. The current zoning map for the Corktown Neighbourhood indicates that there is a sizable amount of vacant land serving as parking areas, particularly in the section between James Street South and Catherine Street South.

The Research Sub-Committee has also recommended that the Property Standards By-law be enforced as the buildings are now vacant and open to vandals, with windows removed or

broken and doors left open. A considerable amount of interior demolition work has already taken place. After examining current photographs, LACAC members present at the August 8th meeting agreed that, despite the apparent deliberate deterioration and damage, the two houses do not appear to be beyond repair and could still be rehabilitated for housing. With demolition control kept in place, at least this possibility would still exist."

o The Hamilton-Wentworth Engineering Department has advised that:

"public watermains and separate storm and sanitary sewers and/or combined sewers are available to service the subject lands.

According to plans submitted by the applicant, the existing steps at No. 150 and No. 152 Catherine Street South encroach into the road allowance. It is unclear from plans submitted what the applicants intentions are with respect to the disposition of the buildings. Should the buildings be removed, the steps are also to be removed from the road allowance and the road allowance restored. Should the buildings be retained, we recommend that as a condition of development approval that the applicant enter into an encroachment agrement with the City of Hamilton for the steps which encroach into the Catherine Street road allowance.

The applicant should contact the B.U.D. system at 527-7977 prior to doing any work within the adjacent road allowances.

Any other works within the adjacent road allowances, must conform to the City of Hamilton Streets By-Law.

Traffic Department is to comment on access design. The grade of the accesses within the road allowance should not exceed 3%."

o The Traffic Department has advised that:

"We support the application to permit the temporary use of the subject lands as a parking lot. However, the applicant should be advised that the development of any access to the subject lands requires a Driveway Approach Approval which may be obtained through the Traffic Department."

COMMENTS:

1) The proposal does not conflict with the intent of the Official Plan.

2) The proposal does not conflict with the intent of the approved Corktown Neighbourhood Plan.

3) The proposal as submitted, cannot be supported for the following reasons:

a) A portion of the subject lands (Nos. 150-152 Catherine Street) is occupied by two "listed" heritage buildings. The owner applied for demolition permits in April 1990; however,City Council, on LACAC's comments, denied the permits and placed the buildings under demolition control since they were listed buildings. Demolition control remains on the buildings until a building permit is issued for the lands redevelopment.

b) On August 8, 1990, LACAC reconfirmed that the buildings should remain under demolition control until such time the site is redeveloped.

c) Approval of the application would undermine the intent of the Demolition Control provisions of the Planning Act. Demolition control was established to protect housing stock until such time as plans for redevelopment have been submitted to the municipality and a building permit issued. The use of the subject lands for "temporary parking" is not considered as redevelopment.

4) The proposal to permit a temporary parking lot on the lands at Nos. 156-158 Catherine Street South can be supported for the following reason:

a) a buffered and screened parking lot represents an improvement over a vacant lot;

b) the proposal conforms with Section 38 of the Planning Act;

c) an approval of the application would not prejudice the future use of this site for "high density apartments"; and,

d) it will provide for additional parking in the area.

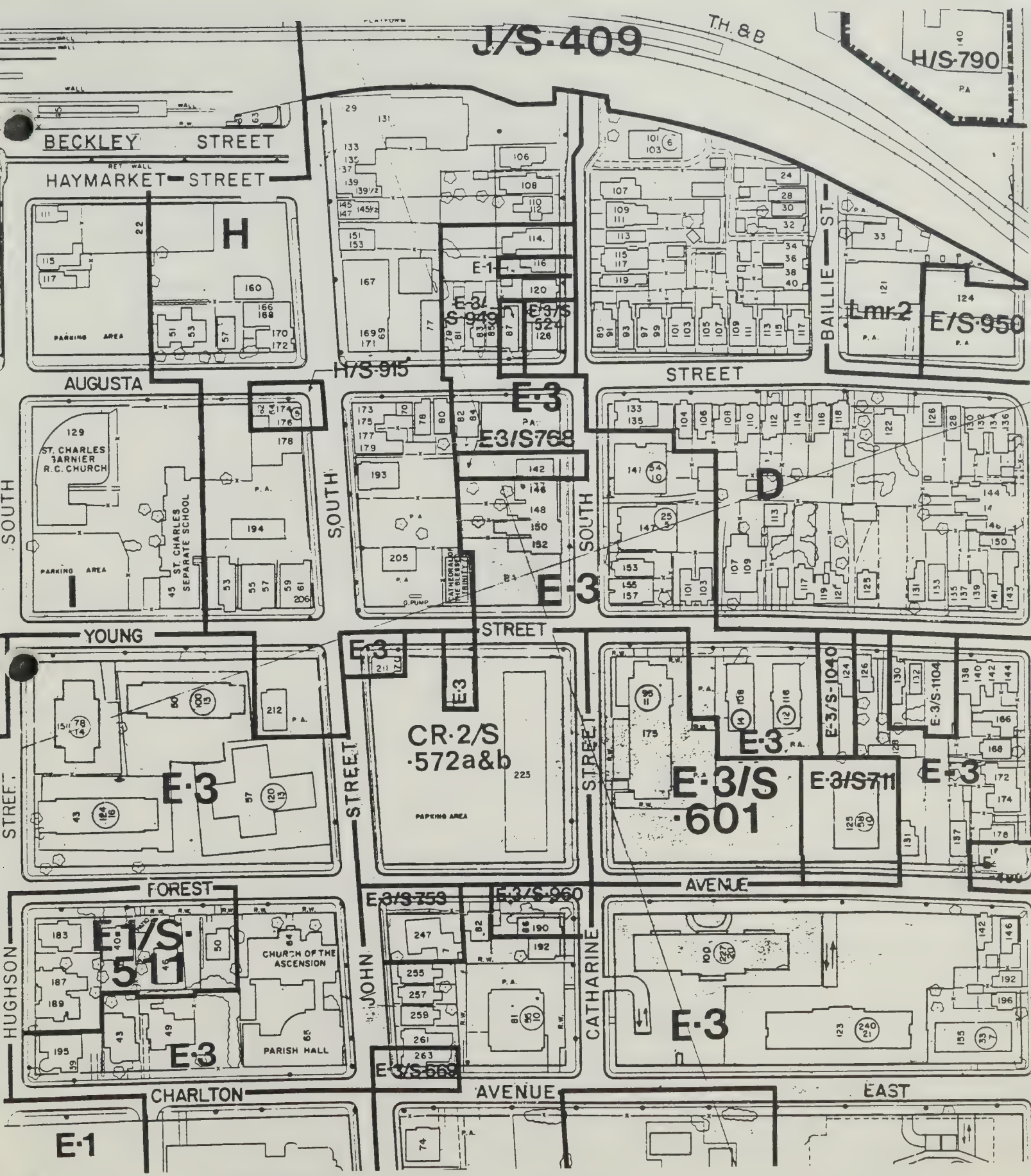
5) Since the subject lands are adjacent to residential uses on the north, south and east and church to the west, it is appropriate to require a 1.5 m wide landscaped strip to be provided and maintained around the perimeter of the property except for those areas used for access driveways. In addition, a 1.2 to 2.0 m high visual barrier be provided and maintained along the northerly and westerly lot lines.

6) The "E-3" District is subject to Site Plan Control By-laws 79-275, as amended by 87-223. However, since a parking lot does not require a building permit, site plan control does not apply. Accordingly, it is appropriate to hold the by-law in abeyance until the applicant has received approval of a site plan from the Planning and Development Committee.

CONCLUSION:

Based on the foregoing, the amended proposal can be supported.

J.H-E:ns

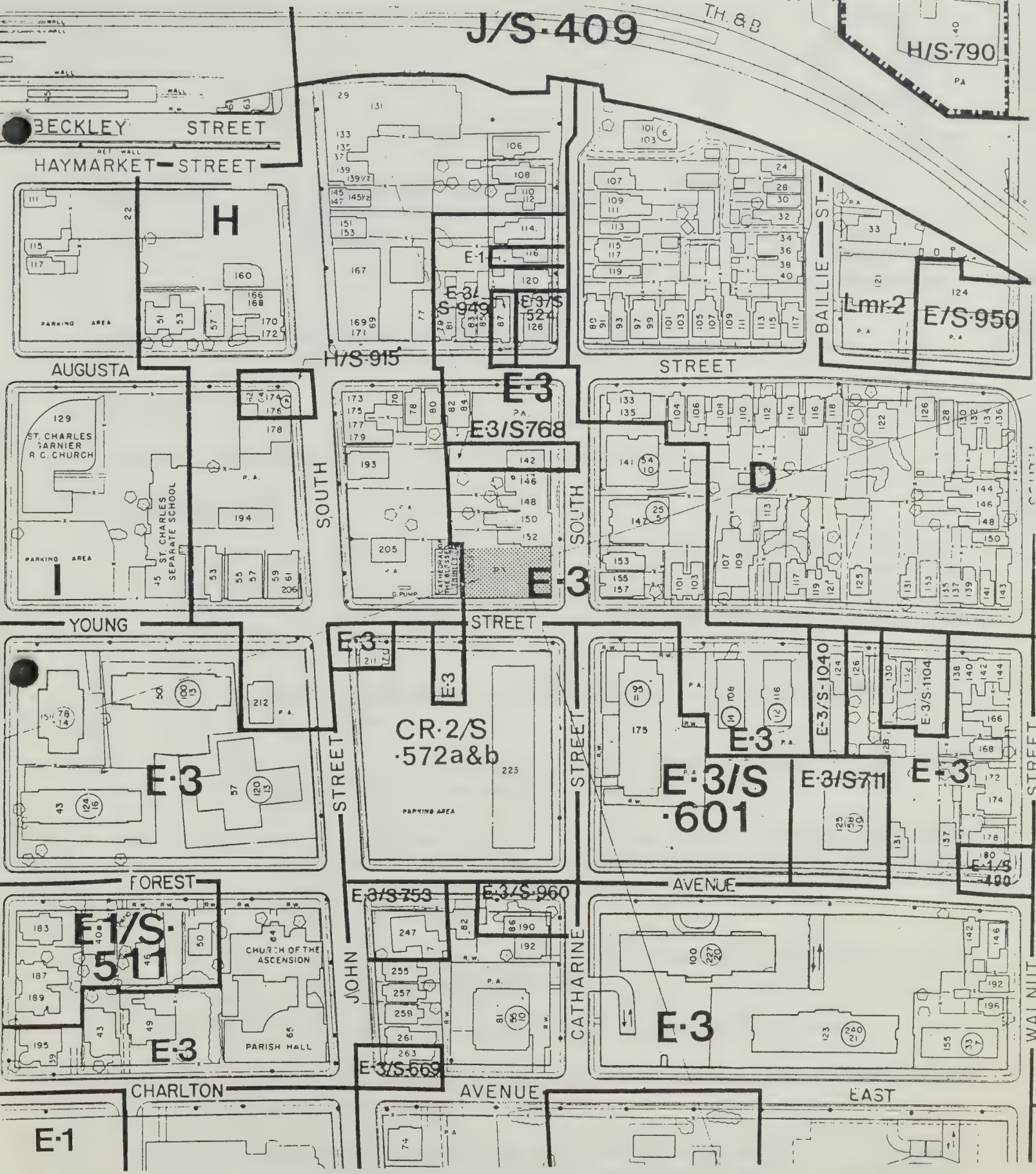


Legend

Site of the Application

ZA 90-47

APPENDIX A



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Site of the Application

ZA 90-47

APPENDIX B

9.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: August 15, 1990
COMM. FILE:
DEPT. FILE: ZA-90-53
Greeningdon
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a modification of zoning - No. 164 Limeridge Road East.

RECOMMENDATION

1. That approval be given to Zoning Application 90-53, Hamilton Builder's Supply Ltd., owner, requesting a modification to the established "AA" (Agricultural) District regulations, to establish the appropriate zoning for the existing builders supply business and permit the construction of a new warehouse on the property located at No. 164 Limeridge Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

   i) That notwithstanding Section 7A(1) of Zoning By-law No. 6593, a Builders' Supply business shall be permitted;

   ii) That the total area used for storage outside of a building or structure shall not exceed 25% of the lot area subject to the following requirements:

      a) That the outside storage area shall be used exclusively for building supplies such as, but not limited to: sand, gravel, concrete products, bricks, interlock stones, lumber, marble sills, P.V.C. pipe, weeping tiles, firewood, angle stone, decorative stone, and equipment;

      b) That no stockpile of building supplies located in the outside storage area shall exceed a maximum height of 4.0 m;

      c) That Section 18(3)(vi) shall not apply to the outside storage area;

   iii) That a landscaped strip not less than 3.0 m in width shall be provided and maintained along the entire westerly lot line;

   iv) That a visual barrier not less than 1.2 m and not greater than 2.0 m in height shall be provided and maintained within the required landscaped strip along the entire westerly side lot line;

v) That a landscaped strip not less than 8.0 m in width shall be provided and maintained along the northerly front and easterly side lot lines, excluding the area required for an access driveway;

vi) That a combination of a landscaped berm and a visual barrier not less than 1.8 m in height and not more than 2.0 m in height shall be provided and maintained within the required 8.0 m landscaped strip along the northerly front and easterly side lot lines, excluding the area required for an access driveway;

vii) That vehicular access to or egress from the subject lands shall be restricted to one (1) driveway along the Limeridge Road East frontage;

viii) That all driveway, parking and manoeuvring areas shall be suitably surfaced with gravel or other paving material;

ix) That signs shall be permitted in accordance with Section 14A of Zoning By-law No. 6593;

x) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps E-9A and E-9B be notated S- ;

xi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-9A and E-9B for presentation to City Council;

xii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

2. That By-law No. 79-275, as amended by By-law No. 87-233, establishing Site Plan Control, be amended by adding the subject lands to Schedule "A".

3. That the amending By-law not be forwarded for passage by City Council until:

i) the applicant applies for and receives site plan approval;

ii) the applicant registers on title, to the satisfaction of the Manager-Freeway Office, the intent to purchase by the Regional Municipality of Hamilton-Wentworth the remaining lands in Part 7 and all in Part 6 as shown on Registered Plan 62R-10825;

iii) the applicant provide a berm easement in favour of the Regional Municipality of Hamilton-Wentworth over lands shown as Part 5 on Registered Plan 62R-10825 to the satisfaction of the Manager - Freeway Office.

4. That the existing single-family dwelling (No. 184 Limeridge Road East) and the out-building used as a warehouse behind the dwelling are removed to the satisfaction of the Building Commissioner prior to the issuance of a Building Permit for the proposed new warehouse building.

EXPLANATORY NOTE

The purpose of this by-law is to provide for a modification to the established "AA" (Agricultural) District regulations, for property located at No. 164 Limeridge Road East, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to recognize the established Builders' Supply business as a permitted use.

In addition, the by-law provides for the following variances as special provisions:

- to limit the area used for outside storage to a maximum of 25% of the lot area;
- to limit the use of the outside storage area to building supplies such as, but not limited to: sand, gravel, concrete products, bricks, interlock stones, lumber, marble sills, PVC pipe, weeping tiles, firewood, angle stone, decorative stone, and equipment;
- to restrict the maximum height of stockpiles of building supplies located in the outside storage area to 4.0 m;
- to permit outside storage in the required yards;
- to require a landscaped strip not less than 3.0 m in width to be provided and maintained along the entire westerly side lot line of the Builders' Supply yard;
- to require a visual barrier not less than 1.2 m and not greater than 2.0 m in height to be provided and maintained within the required 3.0 m wide landscaped strip along the entire westerly side lot line of the Builders' Supply yard;
- to require a landscaped strip not less than 8.0 m in width to be provided and maintained along the northerly front and easterly side lot lines of the Builders' Supply yard, excluding the area required for an access driveway;
- to require a combination of a landscaped berm and a visual barrier not less than 1.8 m in height and not greater than 2.0 in height to be provided and maintained within the required 8.0 m wide landscaped strip along the northerly front and easterly side lot lines of the Builders' Supply yard, excluding the area required for an access driveway;
- to restrict vehicular access to or from the Builders' Supply yard to only one driveway along the Limeridge Road East frontage;
- to require that all driveway, parking and manoeuvring areas are suitably surfaced with gravel or other paving material; and,

- to permit signs in accordance with the "HH" (Restricted Community Shopping and Commercial) District regulations.

A. L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

- **Current Proposal**

It is the applicant's intention to establish the appropriate zoning district to permit the construction of a new warehouse on the subject lands, replacing the existing warehouse situated in the right-of-way of the proposed Mountain Freeway, and to recognize the existing building supply business as a permitted use, (currently legal non-conforming). The applicant has submitted a preliminary site plan (see APPENDIX "B") showing the proposed location of the new warehouse building, and improvements to the site related to landscaping, fencing, plantings, proper display and storage areas, parking, driveway access, etc. A recent site inspection of the property revealed that there is an existing single-family dwelling on the site, as well as a number of buildings related to the business. The site is rather unkempt in appearance, attributed in part to the method of storage of building supplies. Part of the site is paved with concrete, while the balance is gravel.

- **Land Severance Application**

At its meeting held on August 29, 1989, the Regional Land Division Committee considered and approved land severance application H-156-89 to convey a vacant parcel of land measuring 675.7 ft. x 899.5 ft. for future residential development, and to retain the balance of the holding (9.69 acres) currently occupied by the Hamilton Builders' Supply business.

- **Committee of Adjustment**

On January 21, 1988, the Committee of Adjustment considered and approved minor variance application A-87-329 to permit the enlargement of an existing warehouse building with a 50' x 100' addition to serve the existing legal non-conforming Builders' Supply business, subject to the following conditions:

1. That the applicant provide a 3.0 m treed landscaped area adjacent to Limeridge Road.

2. That the applicant construct a 2.0 m decorative fence in the landscaped area.

3. That the applicant provide an alternative access to the new structure.

4. That the applicant reduce the amount of dust by paving or by gravelling over the heavily truck travelled and manoeuvring areas of the site.

5. That the applicant relocate any existing construction materials and firewood behind the recommended landscaped area and fencing adjacent to Limeridge Road East.

6. That the applicant make an application to the Planning and Development Committee of City Council for approval of plans and drawings for the purpose of Site Plan Control which site plan control is to be restricted to regulate only the features of conditions 1 to 5 in this decision.

The applicant decided not to proceed with the enlargement of the existing warehouse building and, therefore, none of the conditions of approval were ever implemented.

- **Zoning Application ZA-84-41**

On May 15, 1984, a rezoning application was submitted by the applicant for a change in zoning from "AA" (Agricultural) District to "M-12" (Prestige Industrial) District to permit an industrial mall on the easterly portion of the site in question, and from "AA" (Agricultural) District to "D" (Urban Protected Residential, One and Two-Family Dwellings, Townhouse, etc.) District to permit a townhouse development on the westerly portion of the site. A report was prepared recommending that the application be circularized for a Public Meeting. Prior to proceeding with this recommendation, the applicant requested that the application be tabled. No further action was taken by the applicant and the file has now been closed.

- **Zoning Application ZA-80-50**

At its meeting held on June 25, 1980, the Planning and Development Committee considered Zoning Application 80-50 for a change in zoning of the subject lands from "AA" (Agricultural) District to "M-12" (Prestige Industrial) District and "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District. The Committee decided to circulate an amended application limiting the number of permitted uses.

On September 10, 1980 a public meeting was held at which time the Planning and Development Committee denied the application.

On September 30, 1980, City Council adopted the recommendation of the Planning and Development Committee to deny the application.

The applicant subsequently appealed the decision of City Council to the Ontario Municipal Board, and on March 22, 1984 the appeal was dismissed as the applicant did not wish to proceed.

APPLICANT

Hamilton Builders' Supply Limited, owner.

LOT SIZE AND AREA

An irregular shaped parcel of land having approximately:

- 238.39 m (782.12 ft.) of lot frontage on Limeridge Road East;
- 95.266 m (312.55 ft.) of lot depth; and,
- 2.26 m^2 (5.65 ac.) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	Builders' Supply yard including offices, warehouse buildings, out buildings, and a single-family dwelling	"AA" (Agricultural) District
Surrounding Lands		
to the north	service station, vacant lands, townhouses and single-family dwellings	"H" (Community Shopping and Commercial, etc.) District, "G" (Neighbourhood Shopping Centre, etc.) District, "RT-10" (Townhouse) District and "C" (Urban Protected Residential, etc.) District
to the south	vacant (Mountain Freeway)	"AA" (Agricultural) District
to the east	townhouses	"RT-20" (Townhouse and Maisonette) District
to the west	single-family dwellings	"C" (Urban Protected Residential, etc.) District and "AA" (Agricultural) District

OFFICIAL PLAN

Designated "Residential" on Schedule "A" the Land Use Concept Plan of the Official Plan and subject to, among others, the following policies:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.3.3.1 It is the intent of Council that any existing land use which does not comply with the land use designations shown on Schedule "A" or their related policies should cease to exist overtime. Accordingly, such uses will be deemed to be NON COMPLYING and will be, or remain, zoned for the intended use so that the affected lands may be converted to the use intended by this Plan.

A.3.3.2 In certain instances, Council may deem it to be desirable to permit the extension beyond the boundaries of the site, or redevelopment, of a NON-COMPLYING USE to avoid unnecessary hardship. Such proposed extension or enlargement will be dealt with in the following manner:

i) Council will determine the feasibility of acquiring and of holding, selling, leasing or redeveloping the property concerned in accordance with the provisions of The Planning Act. Council will further examine the merits and potential for the relocation of the use to an area in compliance with this Plan;

ii) If acquisition by the City is not feasible, Council may encourage the Region to consider acquisition. Where no municipal acquisition is possible and/or the special merits of the individual case make it desirable to grant permission for the extension or redevelopment of the NON-COMPLYING USE, Council may consider the passing of an enabling Zoning By-law pursuant to The Planning Act; and,

iii) Council, before passing such a By-law, will be satisfied that the following requirements are, or will be, fulfilled to ensure the protection of the wider interests of the general public;

a) that the proposed extension or enlargement of the established NON-COMPLYING USE will not unduly aggravate the situation created by the existence of the uses, especially in regard to the land use designation of this Plan and the requirements of the Zoning By-law applying to the area;

b) that the proposed extension or enlargement will be in an appropriate proportion to the size of the NON-COMPLYING USE established prior to the passing of the original Zoning By-law;

c) that an application which would affect the boundary between areas of different land use designations in this Plan, will, only be processed under these policies, if it can be considered as a minor adjustment. Major intrusions will require an amendment to this Plan;

d) the characteristics of the existing NON-COMPLYING USE and the proposed extension or enlargement will be examined with regard to noise, vibrations, fumes, smoke, dust, odours, lighting and traffic generation. No amendment to the By-law will be made if one or more of such nuisance factors will be created or increased so as to add essentially to the incompatibility of the use with the surrounding area;

e) that the neighbouring complying uses will be protected, where necessary, by the provision of areas for landscaping, buffering or screening; appropriate setbacks for buildings and structures; devices and measures to reduce nuisances; and, where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising, signs, etc.;

f) such provisions and regulations will be applied to the proposed extension or enlargement and where feasible, be also extended to the established use in order to improve its compatibility with the neighbourhood;

g) that traffic and parking conditions in the vicinity will not be adversely affected by the application and traffic hazards will be kept to a minimum by appropriate design of access and egress points to and from the site, and improvement of sight conditions, especially in proximity to intersections;

h) that adequate provisions have been, or will be made, for off-street parking and loading facilities.

A.3.3.4 Notwithstanding Policies 3.3.1 and 3.3.2 above, and Subsection D.3, where an existing use of land does not comply with the land use designations shown on Schedule "A" or their related policies, Council may recognize this use or other NON-COMPLYING USE in the Zoning By-law provided that:

i) it does not aggravate any situation detrimental to adjacent complying uses;

ii) it does not constitute a change to surrounding uses and persons by virtue of a hazardous nature, the traffic generated, or other nuisance; and,

iii) it does not interfere with desirable development in adjacent areas that are in conformity with this plan."

On the basis of the foregoing, the proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

A Neighbourhood Plan is not available for the Greeningdon Neighbourhood.

COMMENTS RECEIVED

- The Building Department has advised that:

  "..."AA" zoning does not permit the construction of a warehouse".

- The Freeway Corridor Project Office has advised that:

  "...The following conditions be imposed as part of the zoning approval:

  1. Additional lands are still required by this office to place all necessary works associated with the freeway and the Upper Wellington Street overpass. As a condition of approval, we recommend that the applicant dedicate to the Region sufficient land to establish the designated Upper Wellington Street road allowance. The dedication required is approximately 5 m west of the Upper Wellington Street west street line, which is a section of Part 7, shown on Registered Plan 62R-10825.

  2. The remaining lands in Part 7 and all in Part 6 are required by this office for the construction of the Upper Wellington Street bridge. These lands will be purchased by the Region at fair market value. As a condition of zoning approval, we request that the applicant register on title the intent to purchase by the Region and that these lands be protected from any development.

  3. As a result of the side sloping created by the bridge overpass, sight distance to any entrance adjacent to the Upper Wellington Street overpass will be restricted. Therefore, we wish to advise that no entrance will be permitted to Upper Wellington Street."

  In addition to the foregoing, the following comments were received:

  "...we request that a berm easement agreement be established in favour of the Region over a rear section of this development. The area to be protected for the berm easement is shown as Part 5 on Registered Plan 62R-10825. The berm easement will be constructed by the Region at such time as when the Red Hill Creek Expressway is being constructed to provide noise mitigation measures."

- The Traffic Department, Hamilton Region Conservation Authority and the Hamilton-Wentworth Regional Police Department have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

"...public watermains and separate storm and sanitary sewers are available to service the subject lands.

In conjunction with our road allowance widening designations and the Mountain Freeway Land requirements, Reference Plans 62R-6392 and 62R-10825 were prepared outlining lands required for those purposes. In accordance with past practice, lands designated for road widening are to be dedicated to the City of Hamilton and the Region as outlined on the attached plan and lands for the freeway purchases. This roadway dedication must be a condition of development approval.

Lands over and above the normal road widening dedications are to be sold to the Region for Freeway purposes and the entering into agreements for the purchase of these lands should be a condition of development approval.

- Part 1 of 62R-6392 is to be dedicated to the City for road widening on Limeridge Road.

- Parts 5, 6, 7 and 8 of 62R-10825 are to be transferred to the Region through dedication and purchase.

In the absence of any details shown, we advise that any works within the adjacent road allowance must conform to the respective Streets By-laws.

The Traffic Department is to comment on access to Limeridge Road and the offset for accesses on the north side of Limeridge Road etc.

(According to Plan - 240 Waterworks, there are no vertical curves on Limeridge Road which would seriously affect visibility on Limeridge Road based on the preliminary site plan submitted).

As was noted at previous meetings with the applicant, landscaped screens are to be recessed from the access to Limeridge Road and the gate was to be relocated further onto private property to allow tractor trailer units to wait in the access without obstructing traffic, etc. on Limeridge Road and this should be finalized with the Traffic Department.

More detailed comments on grading will be submitted at such time as site plans have been submitted to this office.

Direct access to this site will not be permitted on Upper Wellington Street.

As the subject lands abut the Freeway Lands, it is imperative that this application be forwarded to the Freeway Office for their comments on land requirements, grading, access, etc."

- The Ministry of the Environment has verbally advised that while they have no objections to the proposal, the use has the potential for generating dust and noise from trucks attending the site. In this regard, the applicant should pave heavily truck-travelled and manoeuvring areas of the site to reduce the nuisance factors.

COMMENTS

1. The proposal to recognize the existing legal non-conforming use does not conflict with the intent of the Official Plan.

2. While recognizing that ideally legal non-conforming uses should cease to exist over a period of time, the proposal has merit and can be supported for the following reasons:

   - it does not conflict with the intent of the Official Plan in that, it would not aggrevate any situation detrimental to adjacent complying uses; it would not constitute a change to surrounding uses; and, it would not interfere with desirable development in adjacent areas;

   - the existing builder's supply business has been operating from this site for approximately the past 60 years and, as a legal non-conforming use, could continue to do so inperpetuity. In this regard, it is unlikely that the operation will cease in the foreseeable future;

   - the existing operation is open to public view and generally unkempt. Accordingly, approval of the application would provide an opportunity to improve the existing situation; and,

   - the site is situated at the intersection of major roads (i.e. Limeridge Road East and Upper Wellington) which provides good access to the roadway system.

3. The applicant has submitted a preliminary site plan with the rezoning application, showing how the site is to be re-arranged to accommodate the new 58 m (190.0 ft) x 32 m (100 ft.) warehouse building, and make other improvements to the site related to landscaping, fencing, plantings, proper display and storage of goods, one access, parking, etc. (see APPENDIX "B" attached.) To accommodate the new warehouse building, the applicant intends to remove the existing dwelling and out-building (No. 184 Limeridge Road East). Piles of bricks, interlock stones, pressure treated wood, etc., would be systematically arranged on-site for ease of customer access, and would be appropriately screened from view by the installation of a 8.0 m wide landscaped strip which would include cedar and maple trees, as well as a security fence. Other building materials not requiring outside storage would be contained within the warehouse buildings on the site.

   In order to mitigate the impact of the existing operation, the following special provisions should be applied:

   - to limit the area used for outside storage to a maximum of 25% of the lot area, as proposed by the applicant;

- to limit the use of the outside storage area to building supplies such as, but not limited to: sand, gravel, concrete products, brick, interlock stones, lumber, marble sills, PVC pipe, weeping tiles, firewood, angle stone, decorative stone, and equipment;

- to restrict the maximum height of stockpiles of building supplies located in the outside storage area to 4.0 m in order to screen the outside storage from view along both Upper Wellington Street and Limeridge Road East;

- to permit outside storage within the required yards;

- in order to provide for privacy and protection for the adjoining single-family dwelling located at No. 154 Limeridge Road East, it is suggested that a 3.0 m wide landscaped strip and a 1.2 m to 2.0 m high visual barrier be provided and maintained along the entire westerly side property line of the Builders' Supply yard;

- that a minimum 8.0 m wide landscaped strip as proposed by the applicant, be provided and maintained along the northerly front and easterly side property lines of the Builders' Supply yard, excluding the area required for an access driveway. A combined landscape berm and a visual barrier not less than 1.8 m in height and not more than 2.0 m in height should be provided and maintained within the 8.0 m wide landscaped strip;

- access to the site should be restricted to one driveway, as proposed. Currently, there are three access points, all of which are located along Limeridge Road East. It is the applicant's intention to provide a single access point which not only provides a means of security for the business, but will provide a means of relocating the driveway access further to the east along Limeridge Road East, away from established residential development. The exact location is to be determined to the satisfaction of the Traffic Department;

- to control the effects of dust on the site, it is suggested that all driveway, parking and manoeuvring areas be suitably surfaced with gravel or other paving material;

- to permit signage in accordance with the "HH" (Restricted Community Shopping and Commercial) District regulations.

4. Lands within the "AA" (Agricultural) District are not subject to site plan control. Accordingly, it would be appropriate to amend the Site Plan Control By-law by adding the subject lands to Schedule "A". In this regard, matters related to landscaping, fencing, grading, parking, loading, access, road widenings, etc., could be further reviewed at the site plan control stage of development.

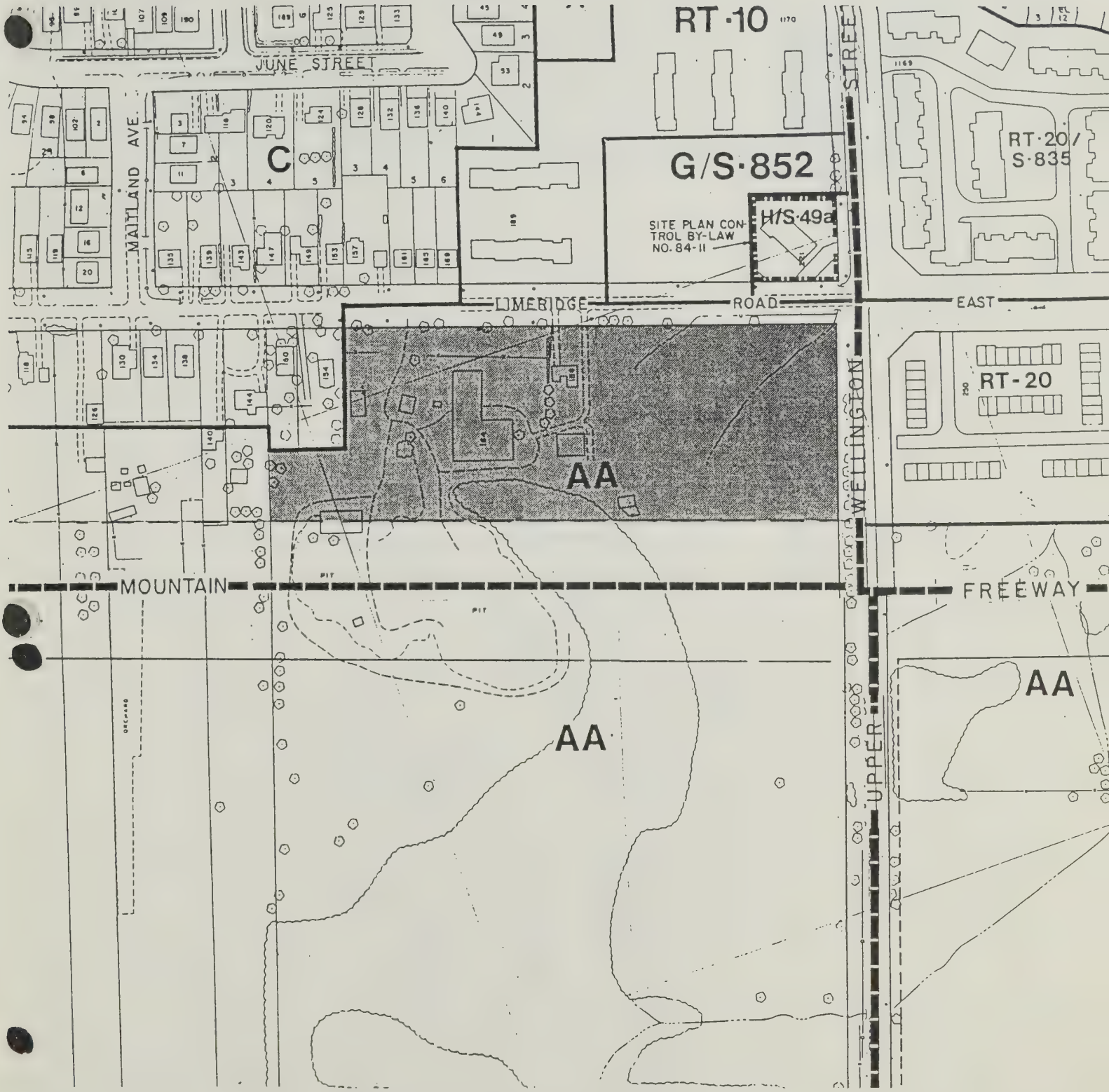
   It is suggested that the amending by-law not be forwarded for passage by City Council until such time as the applicant has applied for and received approval of a site plan. In addition, the applicant should be required to register on title the intent to purchase required lands by Hamilton-Wentworth Region for the construction of the Upper Wellington Street bridge, and to provide a berm easement, as requested by the Freeway Office prior to the passing of the amending by-law.

Also, prior to the issuance of a building permit for the new warehouse building, the applicant shall provide proof to the satisfaction of the Building Commissioner, that the existing single-family dwelling (No. 184 Limeridge Road East) and the out-building (small warehouse) are removed from the site.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW:CS
ZA-90-53
Attach.

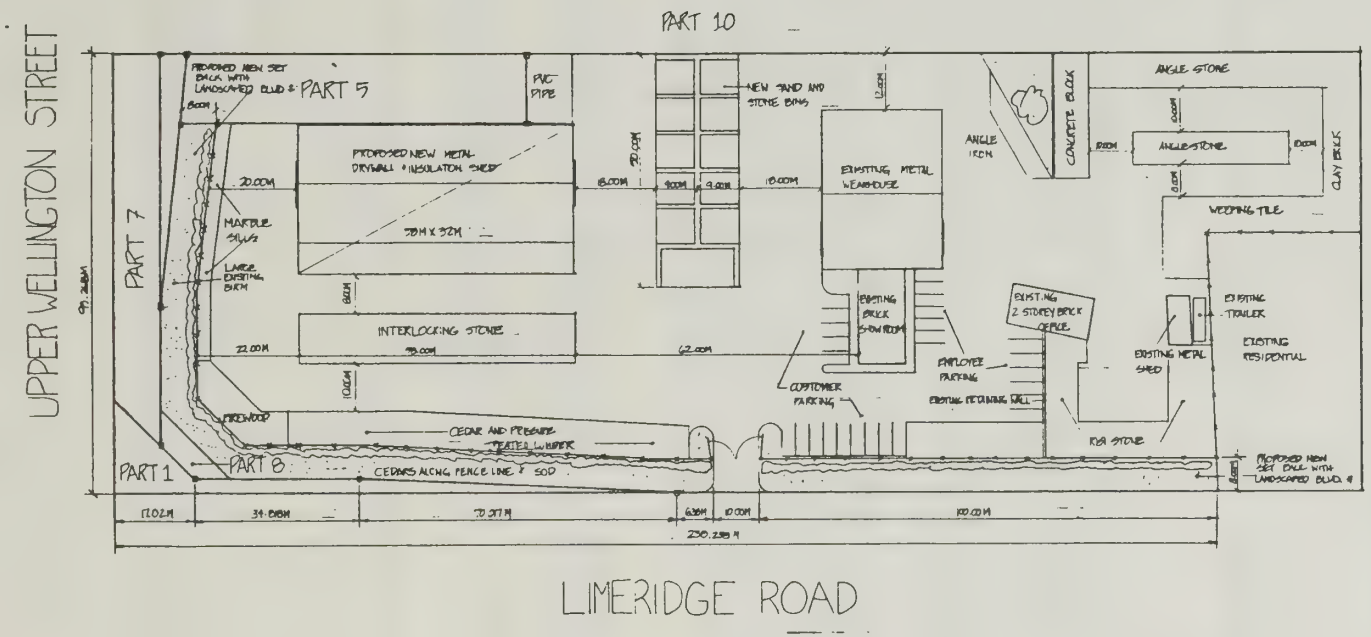


Legend

Site of the Application

ZA90-53

APPENDIX A



* NOTE: NEW BLVD. TO CONTAIN CEDARS ALONG FENCE LINE AND BERMS WITH MAPLES EVERY 6.0 M.

PROPOSED WAREHOUSE ADDITION - HAMILTON BUILDERS SUPPLY
LIMERIDGE ROAD - HAMILTON

DRAWN BY: CHRIS DE COCK	SCALE: 1:250
DATE: APRIL 3, 2000	DRAWING NO. 1

APPENDIX B

10.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: August 10, 1990
COMM. FILE:
DEPT. FILE: ZA-90-45
Strathcona
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a further modification in zoning - Nos. 39 and 41 Devonport Street.

RECOMMENDATION

That approval be given to Zoning Application 90-45 Simcoe and Erie General Insurance Co., Lessee, for a further modification to the established "L-mr-2" (Planned Development - Multiple Residential) District regulations, to permit an extension of the temporary use of the lands for parking purposes for a further three-year period in accordance with Section 38 of the Planning Act, for property located at Nos. 39 and 41 Devonport Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the "L-mr-2" (Planned Development - Multiple Residential) District regulations as contained in Section 17B(6)(a)(iii) of Zoning By-law No. 6593, as amended by By-law 82-225, be modified in accordance with Section 38 of the Planning Act, R.S.O. 1983, to permit the temporary use of the lands for parking of motor vehicles accessory to the use of the land at No. 505 York Blvd. for a further three-year period during which the owner of the land at the time of passing of this By-law continues to be the owner thereof, whichever is the lesser;

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-717b, and the subject lands on Zoning District Map W-11 be notated S-717b;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-11 for presentation to City Council;

iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a further modification to the "L-mr-2" (Planned Development - Multiple Residential) District regulations applicable to property located at Nos. 39 and 41 Devonport Street.

The effect of the By-law is to permit the temporary use of the lands for parking purposes accessory to the use of land located at No. 505 York Blvd., for a further three-year period in accordance with Section 38 of the Planning Act or for the period during which the owner of the land at the date of passing of this By-law continues to be the owner thereof, whichever is the lesser.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- By-law 80-278

  On October 28, 1980, City Council passed By-law 80-278 which provided for a modification to the established "L-mr-2" (Planned Development - Multiple Residential) District regulations applicable to the subject property. The effect of the By-law was to permit the parking of motor vehicles accessory to the use of the land located at No. 505 York Boulevard for a period not exceeding two years from the date of passing of this by-law, or the period during which the owner of the lands at the time of the passing of the by-law continues to be the owner thereof, whichever is the lesser.

- By-law 82-225

  On October 12, 1982 City Council passed By-law 82-225 to provide for a further two year extension to the temporary parking use of lands at Nos. 39 and 41 Devonport Street, accessory to the use of the land at No. 505 York Boulevard, or for the period during which the owner of the land at the time of the passing of the by-law continues to be the owner thereof, whichever is the lesser.

- Current Proposal

  The applicant has requested a further 3 year extension of the temporary parking use of the site in conjunction with the use established at No. 505 York Boulevard. It should be noted that ownership of this property as well as property at No. 505 York Boulevard changed as of June 14, 1990 to the Metropolitan Hamilton Real Estate Board. Simcoe and Erie General Insurance Company will be leasing the premises including the parking lot until such time as their new facilities in Burlington are completed and ready for occupancy.

APPLICANT

Simcoe & Erie General Insurance Company, Lessee.

LOT SIZE AND AREA

- 19.91 m (65.31') of lot frontage on Devonport Street;
- 29.95 m (98.25') of lot depth; and,
- 596.30 m^2 (6,416.7 sq.ft.) of lot area

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	parking lot	"L-mr-2" (Planned Development - Multiple Residential) District modified
Surrounding Lands		
to the north	vacant lands	"L-mr-2" (Planned Development- Multiple Residential) District
to the south	one and two - family dwellings	"D" (Urban Protected Residential - One and Two - Family Dwellings, Townhouses, etc.) District
to the east	Simcoe & Erie General Insurance Co. Office	"H" (Community Shopping & Commercial, etc.) District modified
to the west	vacant land and single-family dwellings	"L-mr-2" (Planned Development - Multiple Residential) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" the Land Use Concept Plan of the Official Plan, and subject to among others, the following policies:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as Residential will be for dwellings."

Parking is not a permitted use within the RESIDENTIAL designation. However, Policy B.3.3.9 regarding "temporary" parking lots, can be applied.

"B.3.3.9 In accordance with the Planning Act, and Sub-section D.3 of this Plan, those lands that are vacant and which may be advantageously utilized to relieve PARKING difficulties in the City may be authorized by Council to be used as "temporary" PARKING lots, subject to the following:

i) Temporary PARKING areas will not unduly impede pedestrian movement, or the use of Residential Open Space or other public lands;

ii) Temporary PARKING areas will be sited and designated to reflect the best interests of the local area;

iii) The use of such vacant lands for temporary parking will not exceed three (3) years; and,

iv) Notwithstanding the above, Council may extend approval for temporary PARKING for additional periods as provided for in clause iii) above, upon termination of the approval period where specific applications to Council for such extended approval is made."

Based on the foregoing, the proposal complies with the Official Plan.

NEIGHBOURHOOD PLAN

Designated for "MEDIUM DENSITY APARTMENTS" on the approved Strathcona Neighbourhood Plan, the proposal does not comply. However, redesignation would not be appropriate in order to maintain the long term intended use of this site.

COMMENTS RECEIVED

- The Building Department has advised that:

"1. By-law 80-278 passed October 28, 1980 permitted the lands to be used for parking for a period not exceeding two years from the day of passing of the By-law.

2. By-law 82-225 passed October 12, 1982 permitted the lands to be used for parking with the same 2 years restriction as the previous by-law provided it was an accessory use to the lands known as 505 York Boulevard.

3. Therefore, the present zoning does not permit the land to be used for parking. It is recommended to apply the same special requirement that was stated in By-law 82-225."

- The Traffic Department, Hamilton Region Conservation Authority and the Hamilton-Wentworth Regional Police Department have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

  "...public watermains and separate storm and sanitary sewers are available to serve the subject lands. In the absence of any plans being submitted for our review, we advise at this time that any works which may occur within the Devonport Street road allowance must conform to the City of Hamilton Streets By-law."

COMMENTS

1. The proposal complies with the intent of the Official Plan which provides for temporary use of vacant lands for parking purposes.

2. The proposal conforms with the provisions of Section 38 of the Planning Act R.S.O.

3. Approval of the application would not prejudice the future use of this site for multiple residential development in accordance with the approved Strathcona Neighbourhood Plan.

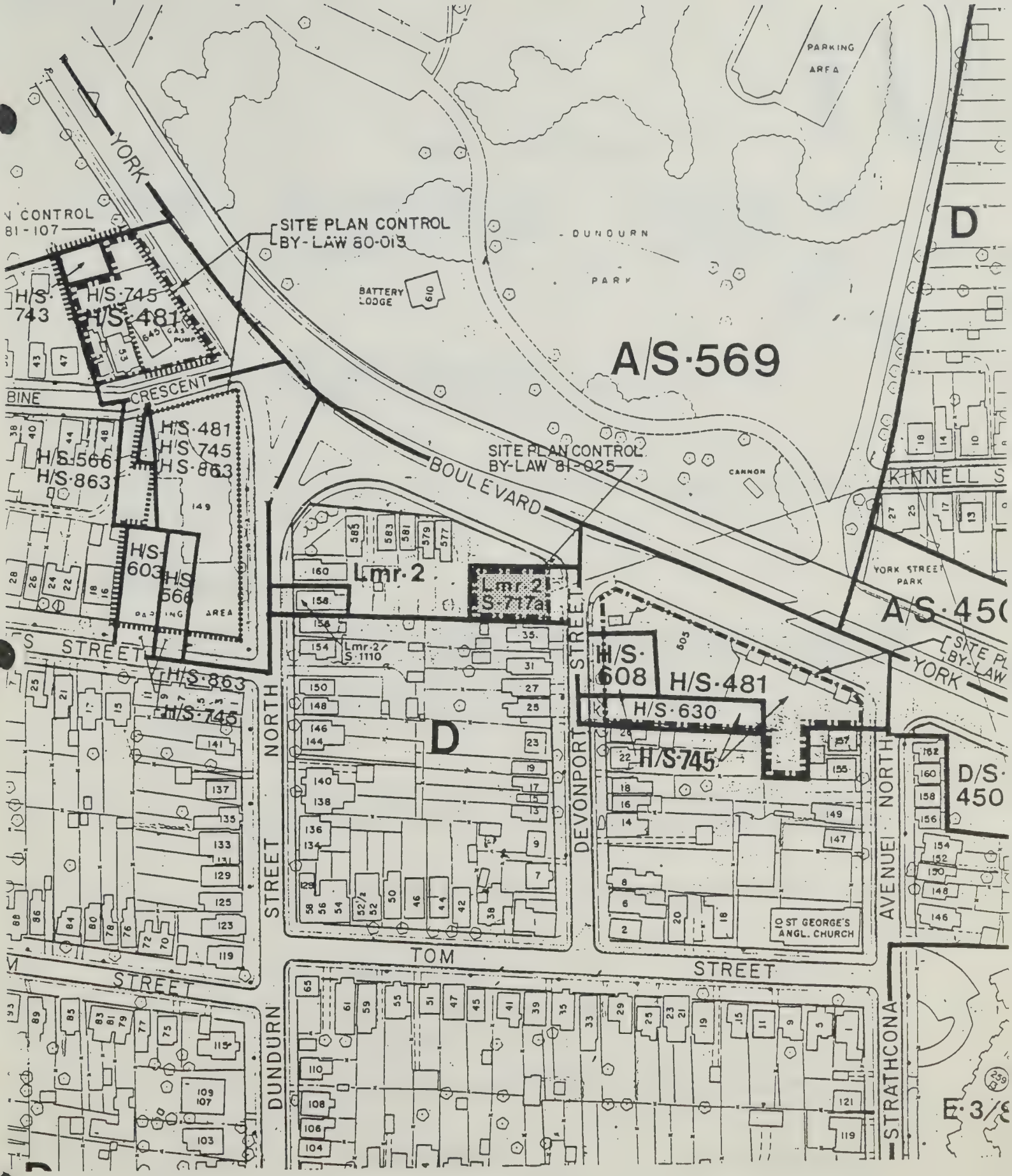
4. The property in question has been the subject of two previous applications for temporary parking use. All previous applications were approved by City Council.

5. The parking lot and the building located at No. 505 York Boulevard are now owned by the Metropolitan Hamilton Real Estate Board (closing date of sale June 14, 1990). Simcoe and Erie General Insurance Company are leasing the property at the present time and will eventually vacate the premises upon completion of their new facilities in Burlington. As both properties (No. 39 and 41 Devonport Street and No. 505 York Boulevard) are in the same ownership, it will not effect the intent of By-law 82-225.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GW/ma
WPZA9045



Legend

Site of the Application

ZA 90-45

APPENDIX A

11.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: August 13, 1990
COMM. FILE:
DEPT. FILE: ZA-90-51
Hannon
North
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a modification in zoning - land on the east side of Pritchard Road in the area south of Highland Road.

RECOMMENDATIONS

1. That approval be given to Zoning Application 90-51, 789068 Ontario Ltd. (D. Valentini), owner, requesting a modification to the established "M-13" (Prestige Industrial) District regulations, to permit development of the subject lands for a customer service and plant service depot for Union Gas, for property located on the east side of Pritchard Road in the area south of Highland Road, as shown on the attached map marked as APPENDIX "A", on the following basis:

   i) That the "M-13" (Prestige Industrial) District regulations, as contained in Section 17E of Zoning By-law No. 6593, be modified to include the following variances as special provisions:

      a) That notwithstanding Section 17E(1)(c), the following COMMERCIAL use shall be permitted:

Use Not Prohibited	S.I.C. Number
Other Services to Buildings and Dwellings	9959

      b) That notwithstanding Section 17E(1)(d), the following INDUSTRIAL use shall be permitted:

Use Not Prohibited	S.I.C. Number
Dry Heating and Gas Piping Work	4242

ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-79D for presentation to City Council;

iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and the subject lands on Zoning District Map E-79D be notated S- ; and,

iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

2. That the amending By-law not be forwarded for passage by City Council until such time as the applicant/owner has submitted an agreement, registered on the title of the property to the satisfaction of the City Solicitor, stating that the owner recognizes and agrees that Pritchard Road, south of Harlowe Road, will be closed, and that the owner will acquire from the City of Hamilton half of the closed road allowance, should he/she not have legal frontage on Harlowe Road, and that all expenses involved in relocating the access, etc., as a result of this road closure, etc., will be the responsibility of the applicant/owner of the lands to be rezoned.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the established "M-13" (Prestige Industrial) District regulations, for property located on the east side of Pritchard Road in the area south of Highland Road, as shown on the attached map.

The effect of the By-law is to permit development of the subject lands for a customer service and plant service depot for Union Gas.

A. L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A.

BACKGROUND

o Proposal

The applicant is proposing to develop the land for a customer service and plant service depot for Union Gas (see APPENDIX "B").

o H-244-89

At its meeting of April 17, 1990, the Land Division Committee approved this severance application for the subject lands, with the following conditions:

"1. Satisfy ALL requirements of the City of Hamilton, including site plan control on the severed portion.

2. Submit a deposited Ontario Land Surveyor's Reference Plan of the conveyed parcel to the Land Division Committee office, unless exempted by the Land Registrar.

3. The purchaser of the severed parcel (Union Gas Ltd.) submits a letter to the Land Division Committee acknowledging the future closure of Pritchard Road, south of Harlowe Road, and indicating its willingness to purchase half of the closed road allowance at the appropriate time."

The conditions of the severance have not yet been fulfilled.

APPLICANT

789068 Ontario Ltd. (D. Valentini), owner.

LOT SIZE AND AREA

o 66.035 m (216.65 feet) of lot frontage on Pritchard Road;

o 98.826 m (324.23 feet) of lot depth; and,

o 0.65 ha (1.6 acres) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"M-13" (Prestige Industrial) District
Surrounding Lands		
to the north	vacant	"M-13" (Prestige Industrial) District
to the south	vacant	"A" (Conservation, Open Space, Park and Recreation) District
to the east	Hydro-electric power corridor	"M-13" (Prestige Industrial) District
to the west	industrial buildings	"M-13" (Prestige Industrial) District

OFFICIAL PLAN

Designated "INDUSTRIAL" on Schedule "A" - Land Use Concept, the following policies are applicable:

"A.2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for INDUSTRY. In this regard, Industry is defined as manufacturing, processing, warehousing, repair, and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:

iii) Uses which have characteristics or functional requirements similar to Industries;

A.2.3.13 The LIGHT INDUSTRIAL category applies to those Industrial Uses that have a minimal impact on surrounding land uses and, as set out in Subsection A.2.9.3, are shown on Schedule "B" as Special Policy Area 11. Generally, LIGHT INDUSTRIAL USES will be encouraged to concentrate in a designed community-like precinct such as the East Mountain Industrial Park.

A.2.3.18 Council will ensure that non-Industrial land uses abutting LIGHT INDUSTRIAL precincts are protected from any adverse impacts through the provision of adequate separation, screening, barriers, fencing and landscaping or other like measures."

Based on the above, the proposal is considered to have characteristics or functional requirements similar to Industry, and therefore, does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated "RESTRICTED INDUSTRIAL-COMMERCIAL" on the approved Mountain Industrial Area Plan, the proposal complies.

COMMENTS

o The following agencies have no comment or objection:

- Hamilton Region Conservation Authority;
- Local Architectural Conservation Advisory Committee (Research Sub-Committee);
- Real Estate Department;
- Hamilton-Wentworth Economic Development Department;
- City of Stoney Creek; and,
- Traffic Department.

o The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains and separate storm and sanitary sewers terminate at the intersection of Harlowe Road and Pritchard Road. As a condition of development approval, the owner/applicant must enter into special servicing agreements with the Region in order to service the property for water and sewer.

The lands to be rezoned are also subject to Land Severance Application H-244-89 and comments were submitted to the Land Division Committee for its meeting on April 17, 1990. The Land Division Committee did not address the specific requirements in our comments, and we therefore recommend that the following be conditions of zoning approval:

- That the lands to be rezoned be developed through site plan control with the City of Hamilton.

- That the applicant/owner register an agreement on title to the satisfaction of the City of Hamilton Solicitor, which states that the owner recognizes and agrees that Pritchard Road, south of Harlowe Road, will be closed, and that the owner will acquire from the City of Hamilton half of the closed road allowance should he not have legal frontage of Harlowe Road, and that all expenses involved in relocating the access, etc., as a result of this road closure, etc., will be the responsibility of the applicant/owner of lands to be rezoned.

- For the information of the applicant, we will recommend that the development of these lands conform to the requirements of the Zoning By-law as it exists today, and also as it will be when Pritchard Road is closed, and therefore any site plans submitted should conform to both zoning requirements.

Prior to approving this use, we request documentation that the construction of a Union Gas Transfer Station will not require more than one access from Pritchard Road at Harlowe Road for emergency vehicle purposes, etc., since the future closure of Pritchard Road at Harlowe Road will only permit one access point to the public road system.

More detailed comments on grading, etc., will be submitted at such time as detailed site plans, etc., are submitted."

o The Building Department has advised that:

"1. This property requires a municipal address numbered off of Pritchard Road.

2. The Land Division Committee application H-244-89 is required to be finalized.

3. Based on the statement of nature letter the comments are as follows:

- The proposed use is under the Standard Industrial Classification Identification #4242 (Dry Heating and Gas Piping Work) and #9959 (Other Services to Buildings and Dwellings) both of which are not permitted uses in the "M-13" zoning district.

- The office area would be considered an accessory use which shall not exceed 83.5 m^2.

- The 3 service bay areas would be considered incidental to the industrial use.

- The storage bins and compound for vehicles and equipment would be considered outside storage which is restricted to 5% of the lot area.

- The required parking is based on the total floor area of the building and use.

- The storage shed would be considered a principal building and subject to setbacks, coverage, etc.

- The gasoline tank and pumps and natural gas slowfill are considered miscellaneous uses.

- The future Distribution Regulation Station is considered a use not restricted [Section 3.(3)(xvii)]."

COMMENTS

1. The proposal does not conflict with the intent of the Official Plan.

2. The proposal complies with the intent of the approved Mountain Industrial Area Plan.

3. The proposal has merit and can be supported for the following reasons:

   i) it is appropriately located within the Mountain Industrial Area;

   ii) it has characteristics or functional requirements similar to industries; and,

   iii) it is no less feasible than other uses permitted as-of-right (e.g., Electronic Parts and Components manufacturing, Telecommunication Equipment manufacturing) in the "M-13" (Prestige Industrial) District.

4. The subject lands adjoin property zoned "A" (Conservation, Open Space, Park and Recreation) District to the south. The "M-13" District regulations require a minimum 13.5 m (44.3 feet) landscaped strip to be provided and maintained along the entire southerly lot line.

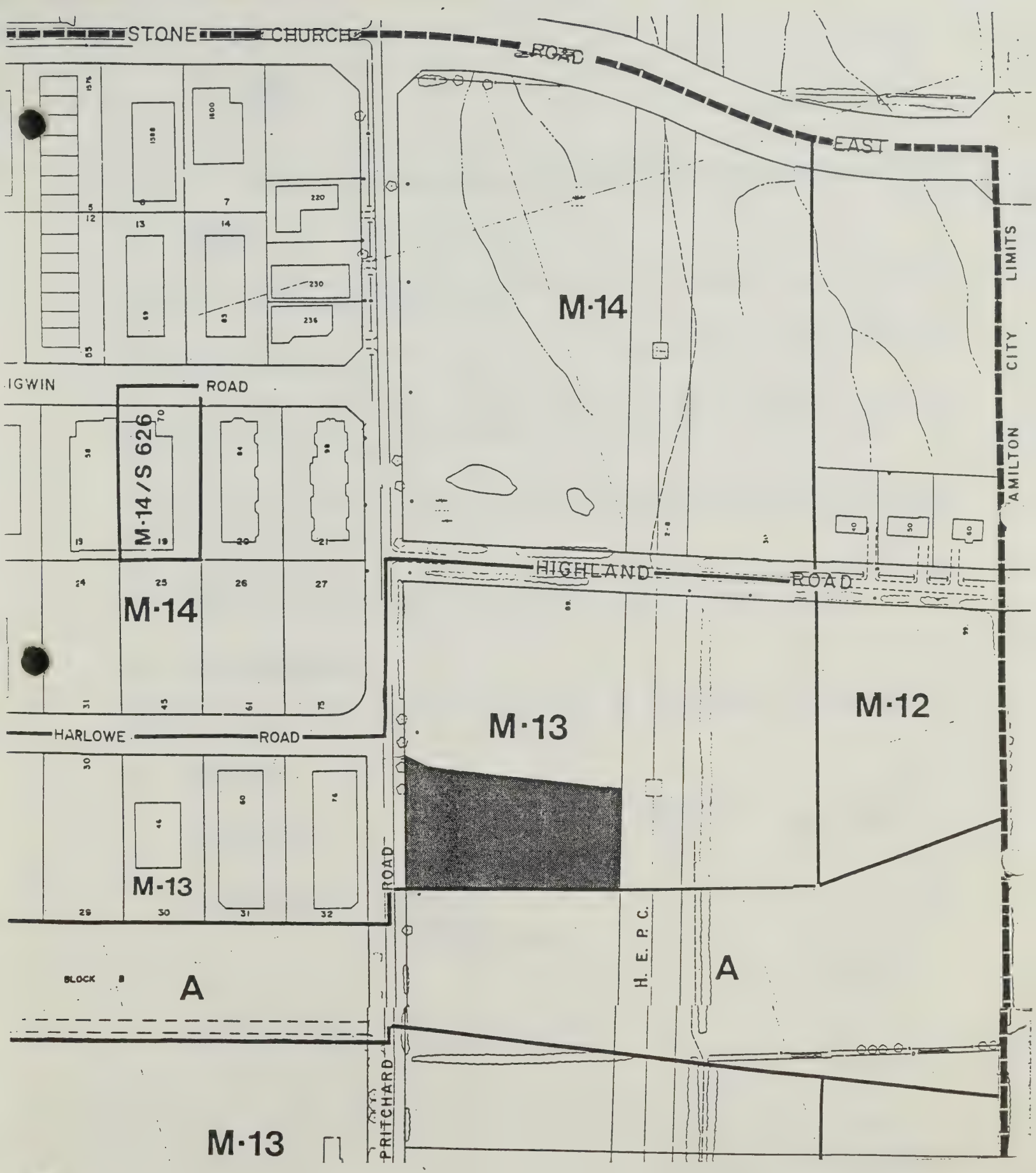
5. In light of the comments received from the Hamilton-Wentworth Engineering Department, it would be appropriate to hold the amending By-law in abeyance until the applicant registers an agreement on the title of the property, to the satisfaction of the City Solicitor, regarding the closure of Pritchard Road.

6. The "M-13" (Prestige Industrial) District regulations are subject to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233. Matters such as landscaping, access, parking, etc. will be addressed through the site plan process.

CONCLUSION

On the basis of the foregoing, the application can be supported.

MLT:cs/ma
ZA9051



Legend

Site of the Application

ZA-90-51
APPENDIX A

NATURE OF BUSINESS - UNION GAS LTD., OPERATIONS SUB-STATION ON PRITCHARD ROAD

1.0 GENERAL

Union Gas Limited proposes to construct our Operations Sub-Station on Pritchard Road, south of Highland Road.

The Sub-Station will be used as a depot for Customer Service and Plant Service personnel and vehicles.

Customer Service operations include residential and commercial appliance servicing and repairs, leak detection and repairs for customer piping, and meter sets for new customers.

Plant Service operations includes the maintenance of all main and services owned by Union Gas, leak detection and repairs, utility locates, and emergency response to line breaks.

The proposed location is ideally suited to Union Gas in order to best serve our existing and growing customer base in Hamilton and Stoney Creek.

2.0 SITE REQUIREMENTS

The personnel, vehicle and site requirements for the proposed building and lot are as follows:

2.1 PERSONNEL

DESCRIPTION		*IMMEDIATE NEED*	*10 YEAR REQUIREMENT*
PLANT SERVICES	- Supervisor	1	1
	- Maintenance Representatives	10	14 (12 male, 2 female)
CUSTOMER SERVICE	- Supervisor	1	1
	- C/S Representatives	14 (12 male, 2 female)	18 (13 male, 5 female)
	- Clerical	1	1
TOTAL		27	35

APPENDIX B

2.3 *SITE REQUIREMENTS (BUILDING & LOT)*...cont'd...

l) A total of 4 storage bins for gravel, asphalt, topsoil and other spoil or backfill materials.

m) Garbage container.

n) Underground gasoline tank and gasoline pumps for company vehicles.

o) Provisions for a natural gas slowfill of Company vehicles.

p) 12m x 20m area for future Distribution Regulating Station.

12.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: August 7, 1990
COMM. FILE:
DEPT. FILE: ZA-90-19
Thorner
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a further modification in zoning - land at the southwest corner of Upper Sherman Avenue and Limeridge Road East.

RECOMMENDATION

That Zoning Application 90-19, David John Armstrong, owner, requesting a further modification to the established "HH" (Restricted Community Shopping and Commercial, etc.) District regulations to permit professional offices (excluding medical), a dry cleaner outlet, barber shop/hair dresser, video store, shoe store, bank, clothing store, drug store, TV/appliance store, and photo studio, for property located at the southwest corner of Upper Sherman Avenue and Limeridge Road East, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

i) the proposed uses would be incompatible and out of character with existing and proposed low density housing in this area as the requested range of commercial uses are not oriented to serve the daily needs of the area residents; and,

ii) there is an adequate supply of commercially zoned and designated land in the area to serve the needs of the present and future inhabitants between Upper Wentworth Street and Upper Gage Avenue, south of Mohawk Road.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

o Proposal

It is the applicant's intention to use the property for professional offices (excluding medical), a dry cleaner outlet, barber shop/hair dresser, video store, shoe store, bank, clothing store, drug store, TV/appliance store, and a photo studio.

o Zoning Application 88-27

At its meeting of June 15, 1988, the Planning and Development Committee approved an application to provide for a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, contrary to staff's recommendation, to permit a gas bar and a convenience store. Approval of the application required a redesignation from "RESIDENTIAL" to "COMMERCIAL" in the Official Plan. Official Plan Amendment No. 58 was adopted by City Council on June 28, 1988 to implement this redesignation.

Objections to the OPA and the Zoning By-law were received and referred to the Ontario Municipal Board. The hearing was held on May 29, 1990, at which time the Board approved the Official Plan Amendment and the By-law to implement the change in zoning. With respect to the proposed uses, the Board approved a retail variety store but did not approve the gas bar as an agreement was reached between the applicant and the objector to delete the proposed gas bar.

APPLICANT

David John Armstrong, owner.

LOT SIZE AND AREA

o 50.29 m (165 feet) of lot frontage on Limeridge Road East;

o 60.96 m (200 feet) of lot frontage on Upper Sherman Avenue; and,

o 3,065.8 m^2 (33,000 square feet) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"HH" (Restricted Community Shopping and Commercial) District modified
Surrounding Lands		
to the north	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the south	proposed mountain freeway	"AA" (Agricultural) District
to the west	church	"AA" (Agricultural) District
to the east	single-family dwellings	"R-4" (Small Lot Single-Family Detached) District

OFFICIAL PLAN

The subject lands are currently designated "COMMERCIAL" on Schedule "A" - Land Use Concept. The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated "ATTACHED HOUSING" on the approved Thorner Neighbourhood Plan, the proposal conflicts with the Neighbourhood Plan. Approval of the application would require a redesignation to "COMMERCIAL".

COMMENTS RECEIVED

o The following agencies have no comment or objection:

- Freeway Project Office; and,
- Hamilton Region Conservation Authority.

- The Traffic Department has advised that:

  "Please be advised that we have reviewed the above-noted application and find it satisfactory. However, the applicant should be advised that an increase in traffic volumes created by the freeway may require the establishment of a designated left turn lane. This may limit the turning movement on Upper Sherman Avenue to right turns in and out."

- The Building Department has advised that:

  "No plans submitted to determine compliance of Zoning By-law 6593."

- The Hamilton-Wentworth Engineering Department has advised that:

  "Public watermains as well as separate storm and sanitary sewers are available to serve the subject lands.

  The designated road allowance width of Upper Sherman Avenue is 30.48 m, Limeridge Road is 26.21 m with a 12.19 m x 12.19 m daylight triangle taken from the widened limits of Limeridge Road and Upper Sherman Avenue. Therefore, as a condition of development approval, we recommend that:

  1. Sufficient lands be dedicated to the City of Hamilton to establish the property line 13.11 m from the centreline of the original Limeridge Road road allowance.

  2. Sufficient lands be dedicated to the Region to establish the property line 15.24 m from the centreline of the original Upper Sherman Avenue road allowance.

  3. Sufficient lands be dedicated to the Region to establish a 12.19 m x 12.19 m daylight triangle from the widened limits of Limeridge Road and Upper Sherman Avenue (south west angle).

  These lands are to be dedicated for road widening purposes.

  In the absence of any details or plans submitted we advise that any works within the adjacent road allowances as widened, must conform to the respective Streets By-laws.

  Comments from the Freeway Project Office should be considered as access to Upper Sherman Avenue may not be permitted due to the construction of a bridge over the Freeway on Upper Sherman Avenue. These lands are designated for attached housing in the approved Thorner Neighbourhood Plan. Therefore the intent of the plan should be maintained or the plan amended by Committee and City Council."

COMMENTS

1. The proposal complies with the intent of the Official Plan.

2. The proposal conflicts with the intent of the approved Thorner Neighbourhood Plan. Approval of the application would require a redesignation from "ATTACHED HOUSING" to "COMMERCIAL".

3. The amended proposal cannot be supported for the following reasons:

   i) the proposed uses would be incompatible and out of character with the existing and proposed low density housing in this area as the requested range of commercial uses are not oriented to serve the daily needs of the area residents; and,

   ii) there is an adequate supply of commercially zoned and designated land in the area to serve the needs of the present and future inhabitants between Upper Wentworth Street and Upper Gage Avenue, south of Mohawk Road.

4. The Planning and Development Committee and City Council supported the previous application for commercial development of this property. Should favourable consideration be given to the current application, it would be appropriate to limit the uses permitted on the site to those which comply with the Local Commercial Policies of the Official Plan. The requested TV/appliance store, bank, shoe store and clothing store are not considered to be Local Commercial uses. Accordingly, it would be appropriate to delete these uses from the list of permitted uses. It should be noted that the requested professional offices (excluding medical), dry cleaner outlet, barber shop, video store, drug store and photo studio would not be incompatible with the previously approved variety store.

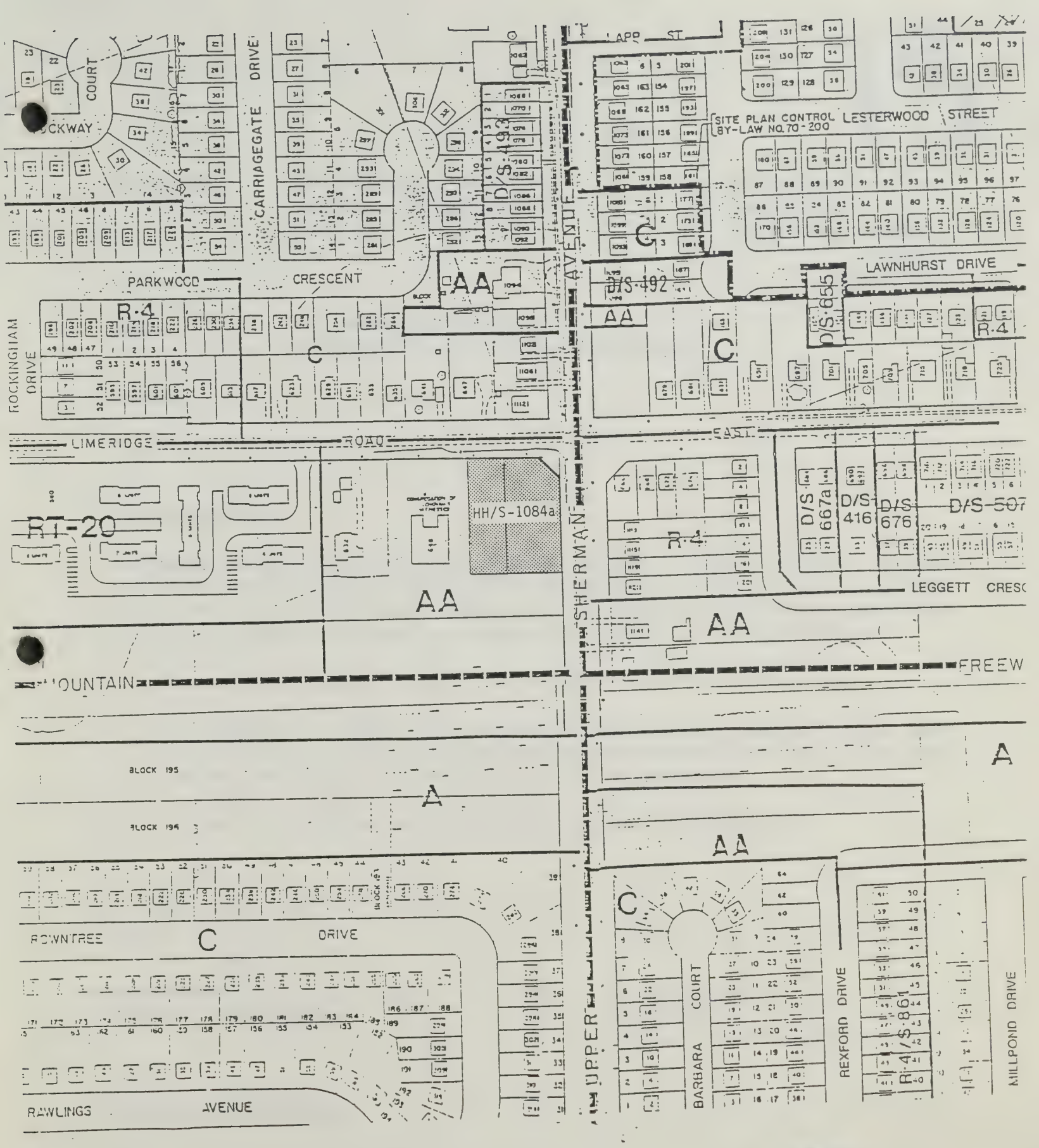
   In addition, the proposed commercial development adjoins a church to the west, it would be appropriate to require a 3.0 m landscaped strip and a visual barrier of not less than 1.2 m in height not more than 2.0 m in height be provided and maintained along the entire westerly and southerly boundaries.

5. The "HH" (Community Shopping and Commercial) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223. The applicant would have to receive approval of a site plan prior to development of the lands, at which time the concerns of the Engineering Department would be addressed.

CONCLUSION

On the basis of the foregoing, the amended application cannot be supported.

MLT/ma
WPZA9019



Legend

Site of the Application

ZA90-19

APPENDIX A 1

13.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: August 15, 1990
COMM. FILE:
DEPT. FILE: ZA-90-31
Bonnington
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a change in zoning - No. 710 Upper James Street.

RECOMMENDATION:

That Zoning Application 90-31, Katherine Murray, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified to permit commercial uses within the existing building, for the property located at No. 710 Upper James Street, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

i) it is contrary to the Official Plan which designates the property "RESIDENTIAL"; and,

ii) it is contrary to the Planning and Development Committee's decision respecting the Upper James Land Use Review which is to retain the lands fronting on the west side of Upper James Street between Wembley and South Bend Roads for residential purposes; and,

iii) approval of the application would set a precedent for future similar applications.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

o Upper James Land Use Review

In 1987, as a result of requests for commercial zoning on Upper James Street between Wembley and South Bend Roads, the Planning and Development Committee directed the Planning Department to undertake a land use review of the area.

On June 20, 1990, a public meeting was held to discuss the findings of the study. The study outlined four possible land use options:

o Option 1

to retain the existing residential uses along Upper James Street;

o Option 2

to allow limited commercial uses within the existing buildings;

o Option 3

to allow redevelopment of the Upper James frontage for mixed residential/commercial uses; and,

o Option 4

to allow a comprehensive redevelopment of the blocks bounded by Upper James and West First Streets and South Bend and Wembley Roads for commercial or mixed commercial/residential uses.

The Planning and Development Committee adopted Option 1 which is to retain the existing residential uses. Since Option 1 did not require changes to Planning documents or policies, the Land Use Review was not required to be forwarded to Council for their consideration. It should be noted that staff recommended Option 2.

The Committee recommended that this area be re-examined in June of 1991.

o Proposal

In March 1990, the applicant made an application to rezone the subject lands from residential to commercial to allow commercial uses within the existing. There are no plans, at this time, for expansion of the existing building.

APPLICANT:

Katherine Murray, owner.

LOT SIZE AND AREA:

- o 15.24 m (50 ft.) of lot frontage on Upper James Street;
- o 27.05 m (88.75 ft.) of lot depth; and,
- o 412.26 m^2 (4,437.5 sq. ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	single-family dwelling	"C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north, south, and west	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the east	tailor, denture therapy clinic and dwelling units	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A". The following policies apply, among others:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings....

A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:

iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.

A.2.2.25 The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access."

Based on Policy A.2.2.25, the proposal does not comply with the intent of the Official Plan. The creation of a Special Policy Area to permit a limited number of commercial uses is required.

NEIGHBOURHOOD PLAN:

There is no Neighbourhood Plan for the Bonnington Neighbourhood.

RESULTS OF CIRCULARIZATION:

o The following agency and department have no comments or objections:

- Hamilton Region Conservation Authority; and,
- Building Department.

o The Traffic Department has advised that:

"The rezoning of this specific site to commercial is generally satisfactory. However, we are concerned that the rezoning of properties without restriction, on an individual basis, will not permit the proper planning for facilities such as parking, loading spaces, and shared accesses. An accumulation of commercially rezoned properties will make co-ordinating with the adjacent properties difficult. On this basis we are unable to support this application.

If this application is approved we request that the lands be placed under site plan control and that a parking requirement of one space for every 31 m^2 of floor area be provided on site."

o The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains exist to service the subject land. Sewers are available, however they are below today's standards for commercial development.

The designated and existing width of Upper James Street adjacent to the subject lands is 30.48 m (100 feet). Therefore, we do not anticipate any further road allowance widenings at this time.

In the absence of any details shown, we advise that any works which may occur within the Upper James Street road allowance must conform to the Regions Road Use By-law.

According to our records, the alley to the rear of the subject lands is public unassumed. As such, the City of Hamilton cannot guarantee clear unobstructed access to the subject lands from the public unassumed alley.

In general, we can support the establishment of commercial uses on this section of Upper James Street. However, we are concerned that the approval of individual properties to commercial uses without consolidated or block development will lead to a proliferation of commercial accesses to Upper James Street. Therefore, we cannot support the application as submitted.

However, should the application be approved, we recommend that adequate development controls be implemented. The subject lands should be placed under site plan control with adequate on-site parking and manoeuvring and with commercial accesses constructed to the requirement of the City of Hamilton Traffic Department."

COMMENTS:

1) The proposal does not comply with the intent of the Official Plan. The establishment of a site specific Special Policy Area to permit limited commercial uses is required.

2) There is no Neighbourhood Plan for the Bonnington Neighbourhood.

3) The proposal cannot be supported for the following reasons:

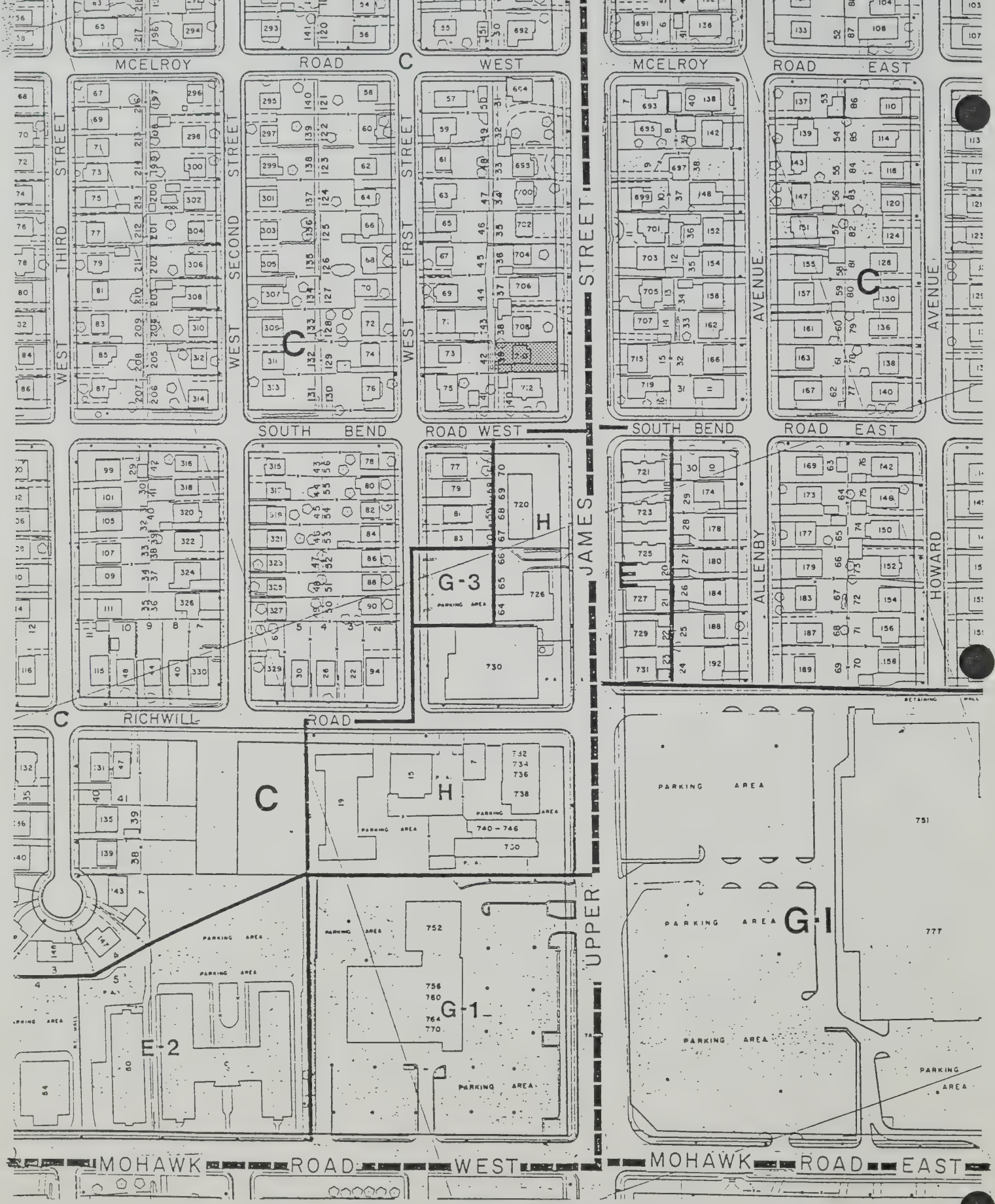
   i) it is contrary to the Official Plan which designates the property "RESIDENTIAL"; and,

   ii) at its meeting of June 20, 1990, the Planning and Development Committee, after reviewing the four options developed from the Upper James Street Land Use Review, adopted Option 1 which is to retain the lands fronting on the west side of Upper James Street between Wembley and South Bend Roads for residential purposes. Accordingly, approval of the application would be contrary to Committee's decision to maintain the existing residential uses, and would set a precedent for future similar applications.

CONCLUSION:

Based on the foregoing, the proposal cannot be supported.

JHE/ma
WPZA9031



Legend

Site of the Application

ZA-90-31

14.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: August 15, 1990
COMM. FILE:
DEPT. FILE: ZA-88-124
Bonnington
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a change in zoning - No. 694-696 Upper James Street.

RECOMMENDATION:

That Zoning Application 88-124, R.H.B. Murray and M.A. Murray, owners, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified to permit a real estate office use within a portion of the existing building, for the property located at Nos. 694 and 696 Upper James Street, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

i) it is contrary to the Official Plan which designates the property "RESIDENTIAL"; and,

ii) it is contrary to the Planning and Development Committee's decision respecting the Upper James Land Use Review which is to retain the lands fronting on the west side of Upper James Street between Wembley and South Bend Roads for residential purposes; and,

iii) approval of the application would set a precedent for future similar applications.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

o Upper James Land Use Review

In 1987, as a result of requests for commercial zoning on Upper James Street between Wembley and South Bend Roads, the Planning and Development Committee directed the Planning Department to undertake a land use review of the area.

On June 20, 1990, a public meeting was held to discuss the findings of the study. The study outlined four possible land use options:

o Option 1

to retain the existing residential uses along Upper James Street;

o Option 2

to allow limited commercial uses within the existing buildings;

o Option 3

to allow redevelopment of the Upper James frontage for mixed residential/commercial uses; and,

o Option 4

to allow a comprehensive redevelopment of the blocks bounded by Upper James and West First Streets and South Bend and Wembley Roads for commercial or mixed commercial/residential uses.

The Planning and Development Committee adopted Option 1 which is to retain the existing residential uses. Since Option 1 did not require changes to Planning documents or policies, the Land Use Review was not required to be forwarded to Council for their consideration. It should be noted that staff recommended Option 2.

The Committee recommended that this area be re-examined in June of 1991.

o Proposal

In November 1988, the Building Department issued an Order To Comply against the property for use as a real estate office. Accordingly, the applicant made an application to rezone the subject lands from residential to commercial to allow a real estate office within a portion of the building. There were no plans, at that time, for expansion of the existing building.

APPLICANT:

R.H. and Marjorie Murray, owners.

LOT SIZE AND AREA:

- o 31.638 m (103.37 ft.) of lot frontage on Upper James Street;
- o 27.05 m (88.75 ft.) of lot frontage on McElroy Road West; and,
- o 852.2 m^2 (9,174.09 sq. ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	real estate office	"C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north	Variety store and single family dwellings	"C" (Urban Protected Residential, etc.) District
to the south, east and west	single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A". The following policies apply, among others:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings....

A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:

iv) Limited individual or groups of commercial uses on sites not exceeding .4 hectare in area, excluding Automobile Service Stations, in accordance with the Local Commercial Uses and General Provisions set out in Subsection A.2.2 of this Plan.

A.2.2.25 The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access."

Based on Policy A.2.2.25, the proposal does not comply with the intent of the Official Plan. The creation of a Special Policy Area to permit a limited number of commercial uses is required.

NEIGHBOURHOOD PLAN:

There is no Neighbourhood Plan for the Bonnington Neighbourhood.

RESULTS OF CIRCULARIZATION:

o The following agency has no comments or objections:

- Hamilton Region Conservation Authority

o The Building Department has advised that:

"The use of the building as a Real Estate Office is contrary to Section 9 of the Zoning By-law."

o The Traffic Department has advised that:

"The rezoning of this specific site to commercial is generally satisfactory. However, we are concerned that the rezoning of properties without restriction, on an individual basis, will not permit the proper planning for facilities such as parking, loading spaces, and shared accesses. An accumulation of commercially rezoned properties will make co-ordinating with the adjacent properties difficult. On this basis we are unable to support this application.

If this application is approved we request that the lands be placed under site plan control and that a parking requirement of one space for every 31 m^2 of floor area be provided on site."

o The Hamilton-Wentworth Engineering Department has advised that:

"Public watermains exist to service the subject land. Sewers are available, however they are below today's standards for commercial development.

According to our records, this section of Upper James Street is 30.48 m (100 feet). This section of Upper James Street was reconstructed and widened in 1980/1981 and we do not anticipate any further road allowance widenings on Upper James Street at this time. The existing road allowance width of McElroy Road is 15.24 m (50 feet) without any daylight triangle at its intersection with Upper James Street. Since McElroy Road serves as a neighbourhood collector street at its

intersection with Upper James Street, the width of McElroy Road should be increased to 20.12 m (66 feet). However, it is recognized that the existing building is only +/- 1.0 feet away from the street line. At such time as the buildings on these lands are removed and complete redevelopment of the lands occurs, we will recommend that sufficient lands be dedicated to establish a 20.12 m (66 feet) road allowance width of McElroy Road. Should the Committee approve the application at this time, we recommend that as a condition of development approval that a daylight triangle 7.5 m x 7.5 m be dedicated to the Region for road widening purposes.

In general, we can support the establishment of commercial uses on this section of Upper James Street. However, we are concerned that the approval of individual properties to commercial uses without consolidated or block development will lead to a proliferation of commercial accesses to Upper James Street. Therefore, we cannot support the application as submitted.

However, should the application be approved, we recommend that adequate development controls be implemented. The subject lands should be placed under site plan control with adequate on site parking and manoeuvring and with commercial accesses constructed to the requirement of the City of Hamilton Traffic Department.

In the absence of any detailed plans being submitted for our review, we advise that any works which may occur within the adjacent road allowance, as widened, must conform to the respective streets by-laws.

As McElroy Road is established at 15.24 m (50 feet), it would appear that the curbline of McElroy Road is +/- 3.30 m from the south streetline it is unclear from the attached sketch whether access to McElroy Road is required/requested and this matter should be resolved at this time between the applicant, our staff and staff of the City of Hamilton Traffic Department. This is required to ensure that sight lines for access on McElroy Road are satisfactory.

According to our records, the alley to the rear of the subject lands is public unassumed. Therefore, clear access to those lands cannot be guaranteed by the City of Hamilton. The existing chainlink fence at the south side of the property which encroaches into the road allowance is contrary to the Region's Road Use By-law and remains at the sole risk of the applicant/owner."

COMMENTS:

1) The proposal does not comply with the intent of the Official Plan. The establishment of a site specific Special Policy Area to permit limited commercial uses is required.

2) There is no Neighbourhood Plan for the Bonnington Neighbourhood.

3) The proposal cannot be supported for the following reasons:

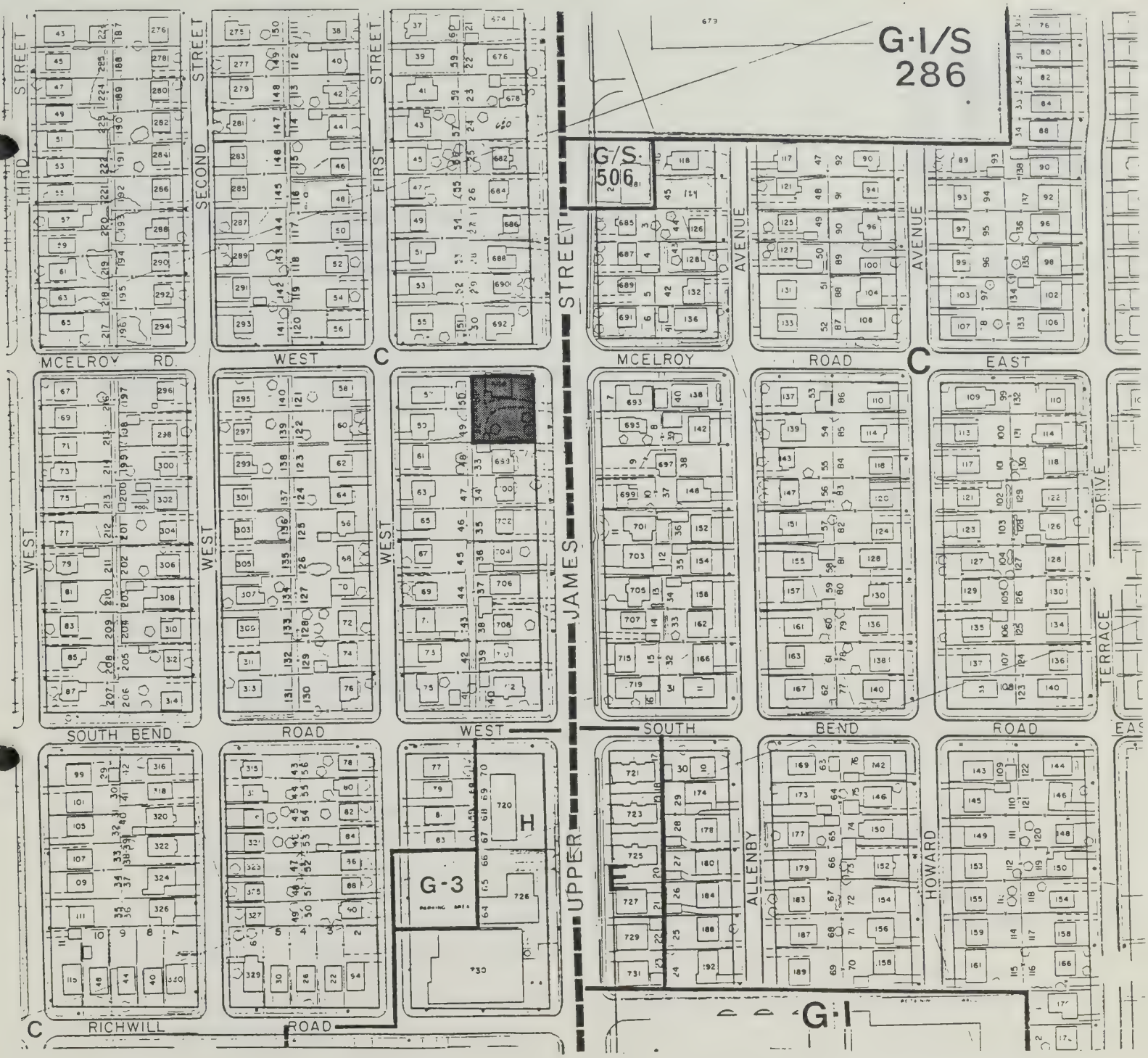
   i) it is contrary to the Official Plan which designates the property "RESIDENTIAL"; and,

ii) at its meeting of June 20, 1990, the Planning and Development Committee, after reviewing the four options developed from the Upper James Street Land Use review, adopted Option 1 which is to retain the lands fronting on the west side of Upper James Street between Wembley and South Bend Roads for residential purposes. Accordingly, approval of the application would be contrary to Committee's decision to maintain the existing residential uses, and would set a precedent for future similar applications.

CONCLUSION:

Based on the foregoing, the proposal cannot be supported.

JHE/ma
WPZA88124



LEGEND

SITE OF THE APPLICATION.

ZA 88-124

APPENDIX

15.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: July 31, 1990
COMM.FILE:
DEPT. FILE: ZA-89-95
Landsdale
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a modification in zoning - Nos. 323 and 325 Wentworth Street North.

RECOMMENDATION:

That Zoning Application 89-95, Diton Construction, owner, requesting a modification to the "D" (Urban Protected Residential- One and Two-Family Dwellings, Townhouses, etc.) District, to permit a residential care facility for a maximum of 12 residents, for the property located Nos. 323 and 325 Wentworth Street North, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

i) One of the primary goals of the Residential Care Facilities By-law is to allow residents of care facilities to live in an environment that closely resembles a family like setting within residential neighbourhoods. The applicant has requested 12 residents which is double the capacity permitted and would result in the creation of a 'mini-institutional' use. Further, the proposal undermines the intent and philosophy of the By-law as well as Provincial policies, which were designed to encourage smaller facilities within residential neighbourhoods.

ii) The proposal represents an over intensification of land use in that adequate parking cannot be provided on-site.

iii) Approval of the application may encourage other future applications which, if approved, would undermine the intent of the Residential Care Facilities By-law.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

In July 1989, a building permit was issued for a lodging home for 4 lodgers only. In May 1990, the applicant applied for and received a licence for a second level lodging home (residential care facility) for 4 persons.

FINANCIAL IMPLICATIONS:

N/A

LOT SIZE AND AREA:

- 16.76 m (55 ft.) of lot frontage on Wentworth Street North;
- 24.87 m (81.5 ft,) of lot frontage along Birge Street; and,
- 416.95 m^2 (4,488 sq. ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	residential care facility	"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District
Surrounding Lands		
to the north	CNR railway track, single and two-family dwellings and industry	"K" (Heavy Industry, etc.) District
to the south and west	single and two family dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District
to the east	industry	"K" (Heavy Industry, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A". The following policies apply, among others:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.6 Where compatible uses are permitted, to preserve the amenities of and support RESIDENTIAL USES in the area, new development will, subject to the Zoning By-law:

i) Be required to be provided with adequate yards, off-street parking and loading, landscaping, screening, buffering or other such measures as determined by Council; and,

C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:

v) Support the concept of an accessible RESIDENTIAL community throughout Hamilton and will encourage the development of a wide range of RESIDENTIAL care and short-term facilities through appropriate recognition in the Zoning By-law."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double Housing" in the approved Landsdale Neighbourhood Plan. A redesignation is not required since the long term intended land use is for one and two-family dwellings.

RESULTS OF CIRCULARIZATION:

o The following Agency has no comments or objections:

- Hamilton Region Conservation Authority.

- The Traffic Department has advised that:

  "It is our understanding that the property will now be used for a residential care facility. Again, our review of the preliminary plan indicates that there are only two potential parking spaces. The parking requirements for residential care facilities are one space for every three persons who may be lawfully accommodated. We, therefore, recommend that the facility be restricted to housing six persons unless modifications are made to the site layout."

- The Hamilton-Wentworth Social Services Department has advised that:

  "It is our understanding that the building now being erected on this property is intended to house 12 persons who have been discharged from the Hamilton Psychiatric Hospital.

  We approve of the number of persons to be housed; the location of this home is not ideal, however, because it is in a neighbourhood where high noise levels prevail, e.g. trains, heavy trucks. There are a significant number of vacancies in existing community lodging homes which house former psychiatric patients; consequently, we question the applicant's statement about the need for this facility."

- The Hamilton-Wentworth Engineering Department has advised that:

  "public watermains and separate storm and sanitary sewers are available to service the subject lands.

  The existing and designated road allowance width of Wentworth Street North is 20.12 m. According to our records, Birge Avenue is 15.24 m in width. We have reviewed our standard design crossections and recommend that as a condition of development approval that a 2 m x 2 m daylight be dedicated to the Region for road widening purposes.

  According to plans submitted, an existing fence encroaches into the Birge Avenue road allowance. This fence encroachment is contrary to the City of Hamilton Streets By-law and remains at the sole risk of the applicant/owner.

  Any other works which may occur within the adjacent road allowance must conform to the respective Street By-law.

  The Traffic Department is to comment on access design. Access grades within the road allowance are not to exceed 3%.

  The applicant should be advised that in the long term, a grade separation may be constructed at Wentworth Street and the CNR main line and access to the lands may be restricted to Birge Avenue only."

o The Building Department has advised that:

"Residential Care Facility for the accommodation of not more than 6 residents is permitted.

Residential Care Facility for the accommodation of 12 residents requires 4 parking spaces on the site and not located in the required front yard. Declaration received for conformance to Section 10(6) of 6593 (180.0 m separation). Building permit issued for lodging house for four persons only. Subject to Site Plan Control".

o The Licensing Department has advised that:

"A second level lodging house licence for capacity of "4" was issued May 10, 1990."

o CN Rail has advised that:

"We have reviewed your notice dated October 5, 1989 regarding the above application and offer no objections. However, we note that our tracks fall within earshot (300 m) of the proposed development. Hence, we request that the owner insert in all offers of sale and purchase or lease and register on title to the land, the following clause:

"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way."

COMMENTS:

1) The proposal does not conflict with the intent of the Official Plan and the approved Landsdale Neighbourhood Plan.

2) The proposal cannot be supported for the following reasons:

   a) One of the primary goals of the Residential Care Facilities By-law is to allow residents of care facilities to live in an environment that closely resembles a family like setting within residential neighbourhoods. The applicant has requested 12 residents which is double the capacity permitted and would result in the creation of a 'mini-institutional' use. Further, the proposal undermines the intent and philosophy of the By-law as well as Provincial policies, which were designed to encourage smaller facilities within residential neighbourhoods.

b) The Traffic Department has advised that only two (2) parking spaces can be provided in accordance with by-law requirements, whereas four (4) spaces are required (1 space for every 3 residents). Required parking is not permitted in the front yard. Accordingly, the proposal represents an over intensification in land use, in that adequate parking cannot be provided on-site.

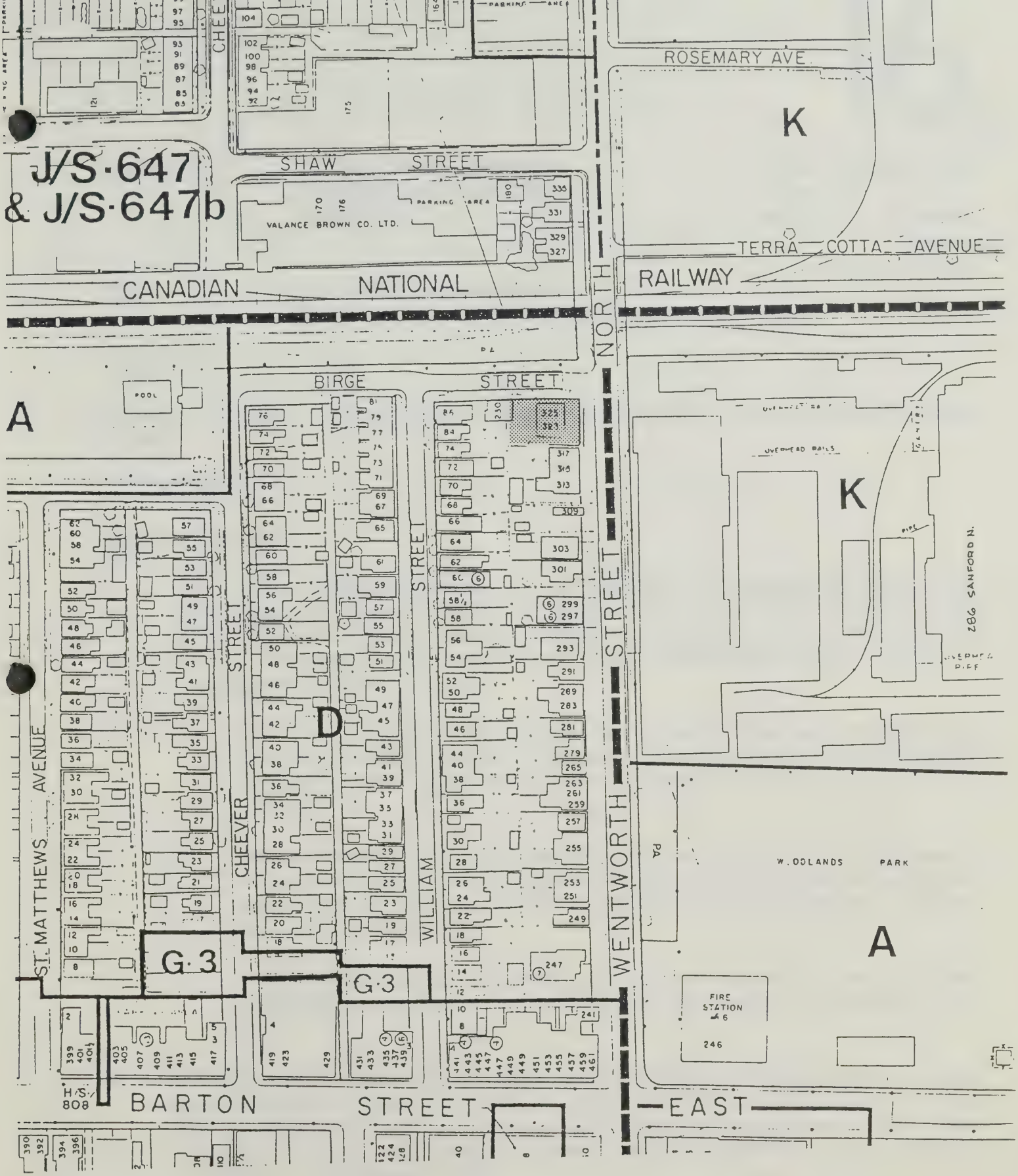
A key component of a care facility, and desirable site plannning principle, is the provision of adequate outdoor amenity space for the use and enjoyment of the residents. This is particulary important in this case given the proposed number of residents (12) and the location of the property in close proximity to the rail line and industry. However, at the time of the site inspection, the rear yard was completely gravelled and appears to be intended for use as a parking area. Accordingly, the existing development does not have any useable amenity space on-site.

c) Approval of the application may encourage other future applications which, if approved, would undermine the intent of the Residential Care Facilities By-law.

CONCLUSION

Based on the foregoing, the proposal cannot be supported.

JHE/ma
WPZA8995



LEGEND

SITE OF THE APPLICATION

ZA 89-95

APPENDIX A

16.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: August 3, 1990
COMM FILE:
DEPT. FILE: ZA-89-101
Rushdale
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a change of zoning - property located at Nos. 1334, 1340, 1342 and 1348 Upper Sherman Avenue.

SECOND REPORT

RECOMMENDATION

A. That amended Zoning Application 89-101, Joe Mancinelli, Henry Mancinelli and Ricardo Persi, owners, requesting a change in zoning from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District to permit a townhouse or apartment development on property located at Nos. 1334, 1340, 1342 and 1348 Upper Sherman Avenue, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

i) The proposal to permit apartments conflicts with the intent of Subsection D.2 Neighbourhood Plan Policies of the Official Plan. In this regard, the proposal conflicts with the intent of the approved Rushdale Neighbourhood Plan which designates the lands for "ATTACHED HOUSING"

ii) Under the requested "E-2" District, approval could result in an 8 storey, approximately 90 unit apartment building which would be incompatible and out of character with existing and proposed development in this area, which is primarily comprised of single-family dwellings and townhouse dwellings.

iii) Approval of this application may encourage other similar applications which, if approved, would undermine the intent of the Neighbourhood Plan and change the character of the area.

B. That approval be given to an amended Zoning Application 89-101, Joe Mancinelli, Henry Mancinelli and Ricardo Persi, owners, for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District, to permit a townhouse development on property located at Nos. 1334, 1340, 1342 and 1348 Upper Sherman Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That the subject lands be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;

ii) That "RT-20" (Townhouse-Maisonette) District regulations as contained in Section 10E of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special provisions:

a) That notwithstanding Section 10E(2)(a)3, Street Townhouse Dwellings shall be prohibited.

b) That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the northerly and southerly side lot lines and along the rear lot line;

c) That a minimum 1.2 m high to 2.0 m high visual barrier shall be provided and maintained within the required landscaped planting strips;

iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-27C be notated S- ;

iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;

v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

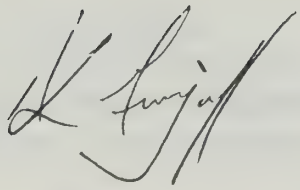
EXPLANATORY NOTE

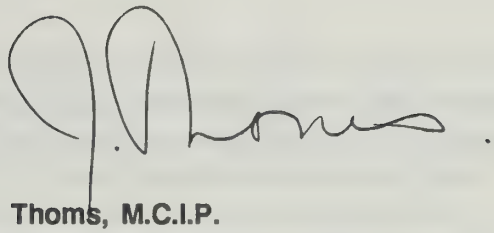
The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District for property located at Nos. 1334, 1340, 1342 and 1348 Upper Sherman Avenue, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit a Townhouse or Maisonette development on the subject lands.

In addition, the By-law provides for the following variances as special requirements:

- to prohibit Street Townhouse Dwellings;
- to require a minimum 3.0 m wide landscaped planting strip to be provided and maintained along the northerly and southerly side lot lines and along the rear lot line;
- to require a minimum 1.2 m to 2.0 m high visual barrier to be provided and maintained within the required landscaped planting strips.





A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

o Proposal

It is the applicant's intention to rezone the subject land to permit the option of a townhouse or apartment development. In this regard, no preliminary site plans have been submitted for review.

o Public Meeting

At its meeting held on February 7, 1990 the Planning and Development Committee decided to table the application at the request of the applicant, and in addition, give the Aldermen of the Ward an opportunity to review the application with residents in the area surrounding the site.

o Neighbourhood Meeting

On May 2, 1990 an information meeting was convened by the Ward Aldermen. A total of 17 residents attended the meeting. Issues raised at the meeting concerned, among others, the following:

- public notification;
- time of the public meeting;
- designation of the site for multiple residential development (apartments/townhouses);
- the need for more townhouses;
- tenure;
- traffic problems generated by such developments;
- maintenance and up-keep of townhouse developments; and
- buffering of established residences.

In conclusion, the residents were opposed to the application, but, because of the poor turn out at the meeting, it was suggested that the Aldermen hold a second information meeting to give those residents unable to attend an opportunity to express their views on the application. It was agreed to hold the second meeting on May 30, 1990.

o Second Neighbourhood Meeting

On May 30, 1990, a second meeting was convened by the Aldermen of the Ward to review the zoning application. Approximately 75 residents attended and the discussion centred around the topics previously noted. Attention focused upon the type of accommodation, tenure (rental or condominium); the number of low rental housing developments in the area (approx. 185 units); traffic volumes , parking and safety concerns, access, etc.; maintenance of such development; protection and privacy for abutting single-family residential development (fencing, berming, landscaping, etc.).

APPLICANT

Joe Mancinelli, Henry Mancinelli and Ricardo Persi, Owners.

LOT SIZE AND AREA

- 73.15 m (240.0 ft.) of lot frontage on Upper Sherman Avenue;
- 86.25 m (283.0 ft.) of lot depth; and,
- 6,309.76 m^2 (1.5 ac.) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	two single-family dwellings and a semi-detached dwelling	"AA" (Agricultural) District

Surrounding lands

to the north	single-family dwellings	"AA" (Agricultural) District and "R-4" (Small Lot Single-Family Detached) District
to the south	single-family dwellings	"AA" (Agricultural) District
to the east	single-family dwellings and vacant lands	"C" (Urban Protected Residential, etc.) District
to the west	single-family dwellings	"D" (Urban Protected Residential - One and Two Family, Townhouses, etc.) District

OFFICIAL PLAN AND NEIGHBOURHOOD PLAN

Designated "RESIDENTIAL" on Schedule "A", the Land Use Concept Plan of the Official Plan, and subject to among others the following policies:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:

i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,

ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent low-density uses.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value."

The proposal to develop to the site for townhouses would comply with the intent of the plan. However, the proposed apartment development, would conflict with the intent of the Official Plan as the site is designated for "ATTACHED HOUSING" development on the approved Rushdale Neighbourhood Plan. Approval of the application would necessitate an amendment to the Neighbourhood Plan to redesignate the lands to "MEDIUM DENSITY APARTMENTS", in order to establish conformity with the intent of the Official Plan.

COMMENTS RECEIVED

- The Building Department and the Hamilton Region Conservation Authority have no comments or objections.

- The Traffic Department has advised that:

  ..."find it satisfactory, provided that no street townhouses be permitted with direct frontage on Upper Sherman Avenue.

- The Hamilton-Wentworth Engineering Department has advised that:

  "...public watermains, sanitary sewers and storm sewers are available to service the subject lands.

  There are not further road widenings required at this time. In the absence of any details shown, we advise that any works which may occur within the adjacent road allowance as widened, must conform to the Region's Road Use By-law.

  The proposal appears to conform to the intent of the approved Randall Neighbourhood Plan. However, we recommend that if possible, the landowners on the west side of Upper Sherman Avenue should develop these lands as one parcel since there appears to be two remnant residential properties between these properties and Ruby Street to the north."

COMMENTS

1. The proposal to develop the site for apartments would conflict with the intent of Subsection D.2 Neighbourhood Plan Policies of the Official Plan. In this regard, the site is designated for "Attached Housing" on the approved Rushdale Neighbourhood Plan.

   Approval of the application would require a redesignation from "ATTACHED HOUSING" to "MEDIUM DENSITY APARTMENTS", in order to bring the proposal into compliance with the Official Plan.

2. The proposal to permit an apartment development on the site cannot be supported for the following reasons:

   - it conflicts with the Neighbourhood Plan Policies of the Official Plan, in that the site is designated for "Attached Housing" on the approved Rushdale Neighbourhood Plan;

   - under the requested "E-2" District, approval could result in an 8 storey, approximately 90 unit apartment building which would be incompatible and out of character with existing and proposed development in this area, which is primarily comprised of single-family dwellings and townhouse dwellings.

     Comparatively, if the lands were developed for townhouses as contemplated in the approved Neighbourhood Plan, approximately 26 units could be built in accordance with the "RT-20" District regulations (1 unit/230 m^2 net lot area).

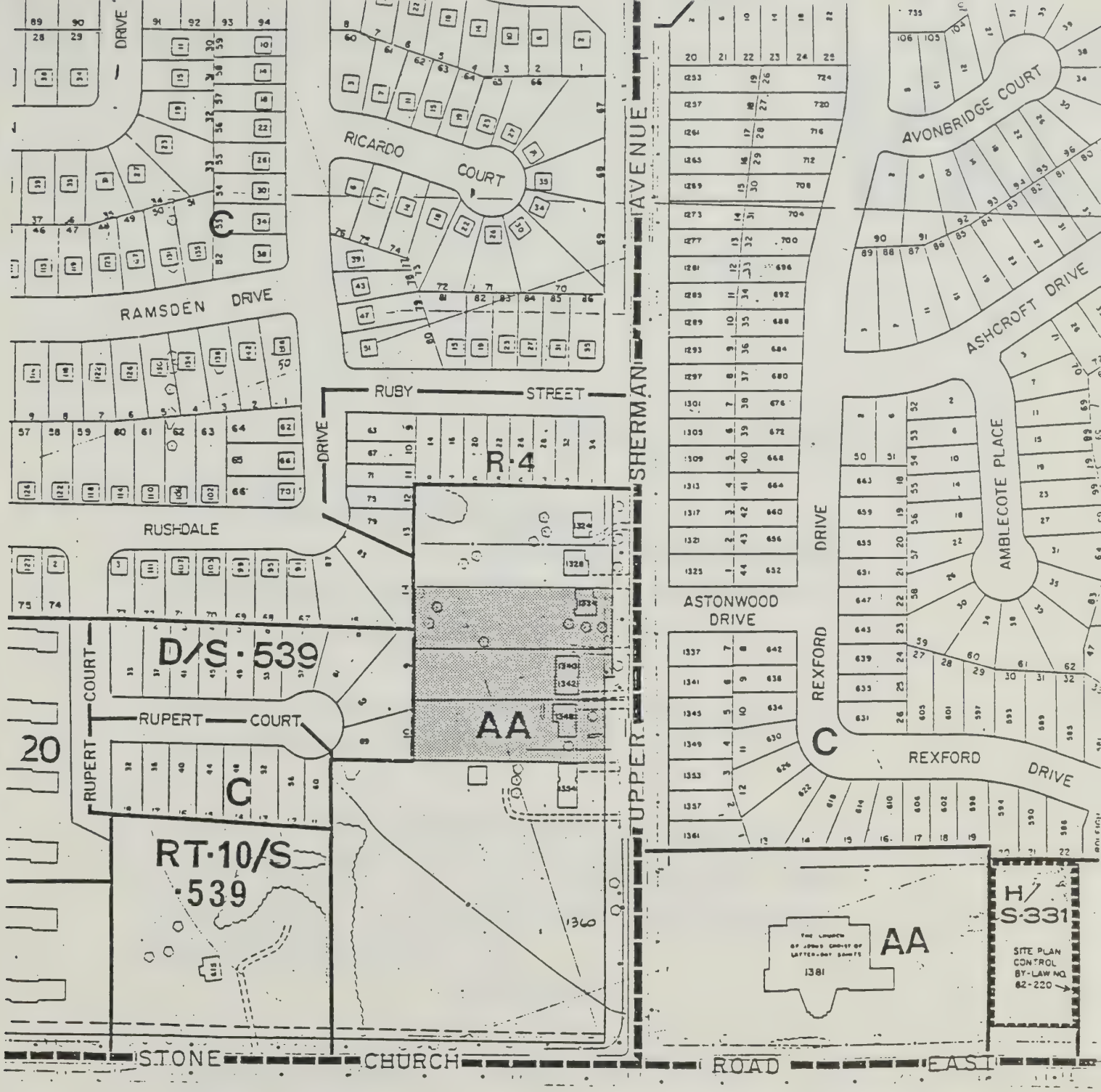
3. Consideration could be given to an amended Zoning Application to permit a townhouse development under the "RT-20" District regulations on the property in accordance with the intent of the approved Rushdale Neighbourhood Plan. In keeping with the comments of the Traffic Department, street townhouse dwellings should be prohibited, thereby limiting the number of driveway accesses along Upper Sherman Avenue. In addition, in order to buffer the development from adjoining single-family dwellings, it is suggested that a minimum 3.0 m (10 ft.) wide landscaped planting strip be provided and maintained along the northerly and southerly side lot lines and along the rear lot line. In addition, a minimum 1.2 m to 2.0 m high visual barrier should be provided and maintained within the required landscaped planting strips.

   The restriction on street-townhouse and the requirement for landscaping/visual barrier would address the concerns of the area residents respecting traffic, privacy, etc. With respect to their concerns about tenure, it should be noted that the Zoning By-law can only address land use not ownership.

CONCLUSION

On the basis of the foregoing, the application as submitted should be **DENIED**, however support could be given to an amended application for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District.

GAW/ma
WPZA89101



ZA89-101

Legend

Site of the Application

APPENDIX A

16a.

ZA 89-101

Monday August 13/90

To Whom it May Concern

My husband and I were not informed by mail about the proposed change in zoning from AA to E-2.

PROPERTY DESCRIPTION - NOS 1334/1340, 1342 and 1348 Upper Sherman Avenue

We are both opposed to this proposed zoning change. We were advised by Mr. John Gallagher to send this in writing since we were not informed.

Thank you

Donna Chesla 388-5578
Ken Chesla

MR. & MRS. K. D. CHESLA
7 RUBY STREET
HAMILTON, ONTARIO
L8W 2S6

A

AUG 16 1990

17.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: August 14, 1990
COMM. FILE:
DEPT. FILE: ZA-90-36
Butler
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Amendment to Item 13, (1990) 13 R.P.D.C. July 31 - Rear Parts of Nos. 1422 and 1430 Upper Sherman Avenue.

RECOMMENDATION:

That Item 13 of the Thirteenth Report for 1990 of the Planning and Development Committee, adopted by City Council at its meeting of 1990 July 31, regarding amended Zoning Application 90-36, Carriage Gate Homes Ltd., prospective owners, be repealed and replaced with the following revised resolution:

> That approval be given to amended Zoning Application 90-36, Carriage Gate Homes Ltd., prospective owners, requesting changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "1") and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), to permit the development of the subject lands for small lot single-family dwellings, for the property located at the rear parts of Nos. 1422 and 1430 Upper Sherman Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:
>
> a) That Block "1" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
>
> b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District;
>
> c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;

d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "1") and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), for the property located at the rear parts of Nos. 1422 and 1430 Upper Sherman Street, as shown on the attached map.

The effect of the by-law is to permit the development of the subject lands for small lot single-family dwellings.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

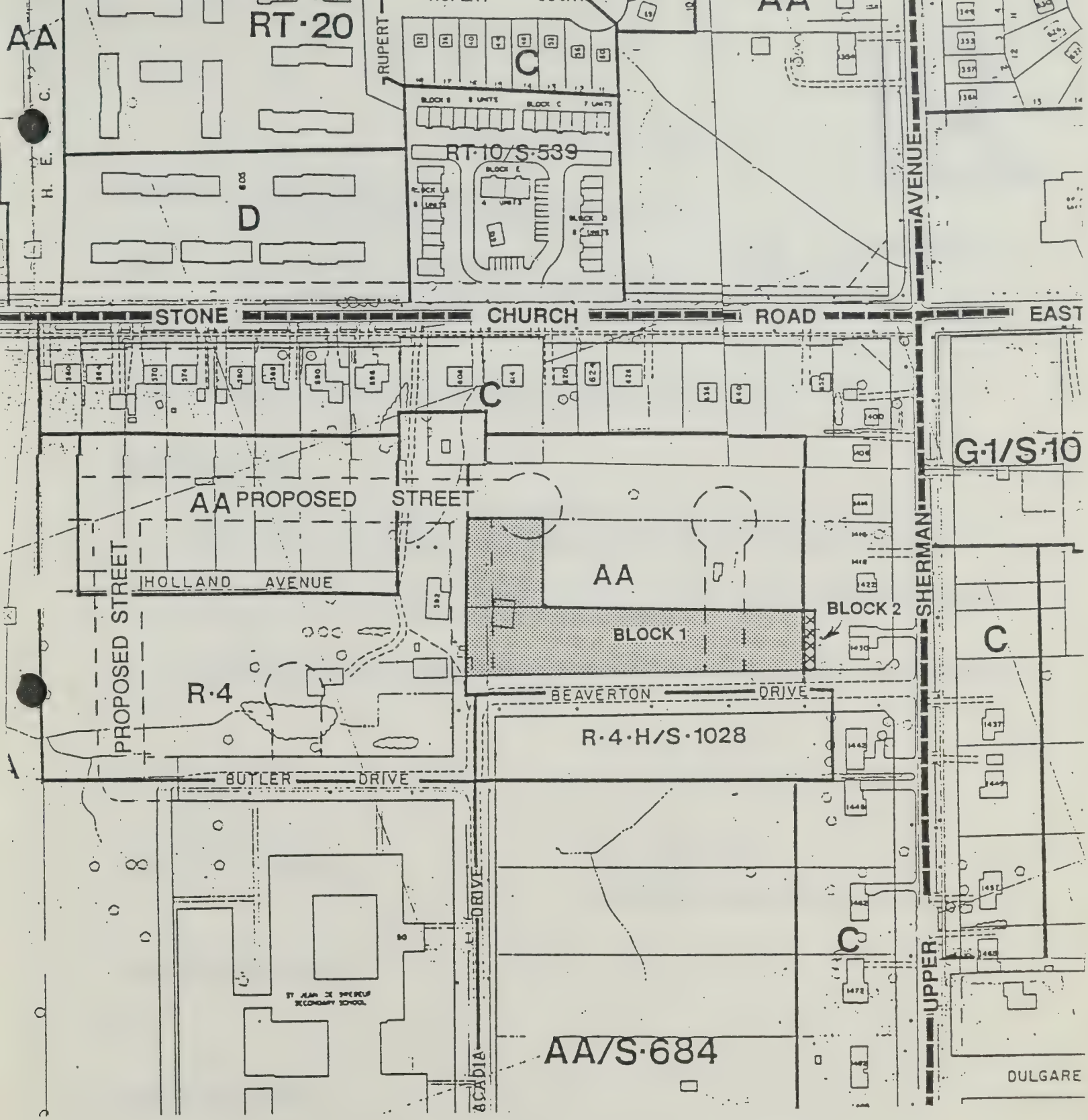
FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

On July 31, City Council approved the rezoning for Block "1" from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District. The map contained as part of the resolution referred to two Blocks; however, inadvertently the recommendation only referred to Block "1". Accordingly, this report adds Block "2" as was originally intended.

JH-E/ma
WPZA9036



Legend

Proposed change in zoning from:

BLOCK 1 — "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District.

BLOCK 2 — "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District.

ZA90-36

18.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1990 AUGUST 15

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

COMM. FILE:
DEPT. FILE: P7-3-4

SUBJECT

Proposed Amendment No. 23 to the Official Plan of the City of Stoney Creek

RECOMMENDATION

(a) That the Regional Municipality of Hamilton-Wentworth be notified that the City of Hamilton is not opposed to the proposed Official Plan Amendment No. 23 to the City of Stoney Creek;

(b) That the City Clerk be directed to inform the Regional Municipality of Hamilton-Wentworth regarding (a) above, and forward a copy of this report to the Region.

(c) That Planning Staff be directed to undertake a review of the green link within the Mountain Industrial Area.

A. L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

EXPLANATORY NOTE

The Region of Hamilton-Wentworth has requested the City's comments on proposed Amendment No. 23 to the Official Plan of the City of Stoney Creek. The purpose of the proposed Amendment is to introduce a new Secondary Plan for a portion of the West Mountain Planning District, known as "Heritage Green Secondary Plan", into the Stoney Creek Official Plan. The Amendment will allow development to proceed in the Heritage Green area, based on an acceptable community plan.

BACKGROUND

The City of Stoney Creek has adopted, and submitted to the Region for approval, Official Plan Amendment No. 23. The Amendment will introduce a new Secondary Plan known as "Heritage Green Secondary Plan", into the Stoney Creek Official Plan. The Amendment will allow development to proceed in the Heritage Green area, based on an acceptable community plan. The Amendment affects approximately 829 hectares of land, located within Stoney Creek, north of Highway No. 53 and south of the escarpment, immediately east of the City limits.

The Amendment was circulated to various agencies for comment. The City of Hamilton forwarded the following comments as endorsed by Council (Oct. 31, 1989) to the Region.

(a) The Region be notified that the City of Hamilton endorses proposed Official Plan Amendment No. 23 to the City of Stoney Creek except for minor proposed modifications; and,

(b) The Region be requested to initiate meetings between the Cities of Hamilton and Stoney Creek to discuss the proposed modifications.

The modifications requested were:

- A small parcel of land has been identified as "Industrial" on the Secondary Plan (O.P.A. #23). Concern was expressed that a general "Industrial" designation would be inconsistent with the Light Industrial designation in the Mountain Industrial Area (Map 1).

  Based on Hamilton's concern, the City of Stoney Creek has agreed to a modification to its Plan to designate this area as a Special Policy Area to be developed in conjunction with the Mountain Industrial Area. This modification addresses Hamilton's concerns.

- The Open Space link between Hamilton and Stoney Creek has been moved in the Secondary Plan 250 ft. south to the new Highland Road intersection at the proposed Triniity Church Road extension (Map 1). This link would be indirect as it would require the pedestrian/cyclist to travel along Highland Road, cross Trinity Church Road at traffic lights and feed into Hamilton's open space link by travelling north 250 ft. (Map 2).

  Discussions were held with representatives from the City of Stoney Creek, Planning Department, the Hamilton Region Conservation Authority, the Public Works Department, the Regional Engineering Department, and the Ministry of Government Services, in which Stoney Creek staff reaffirmed that City Council's commitment to the Highland Road link. In addition, it was generally agreed that this new link would maintain the viability of pedestrian/cycle movement in this area.

  While a direct link would be ideal, the Highland Road link would be considered acceptable, since:

  - it maintains the integrity of a pedestrian/cyclist link in this area;

  - it would be less costly, as a pedestrian overpass over Trinity Church Road (which is located within the Stoney Creek boundary) would have to be required for the direct link;

- the City of Stoney Creek maintains its location of the link along Highland Road and request their amendment be dealt with immediately (attached); and,

- the Hamilton Conservation Authority, the major landholder of the open space link, including the Mt. Albion Conservation Area, has advised that while a direct link is desirable, it is not opposed to the Stoney Creek Plan.

The change in the location of the link in Stoney Creek could impact the need for the green link within Hamilton. Therefore, it is suggested that a review of the open space link in the neighbourhood plan (Mountain Industrial Area) be undertaken, which would include a public meeting.

CONCLUSION

Based on the above, the City should:

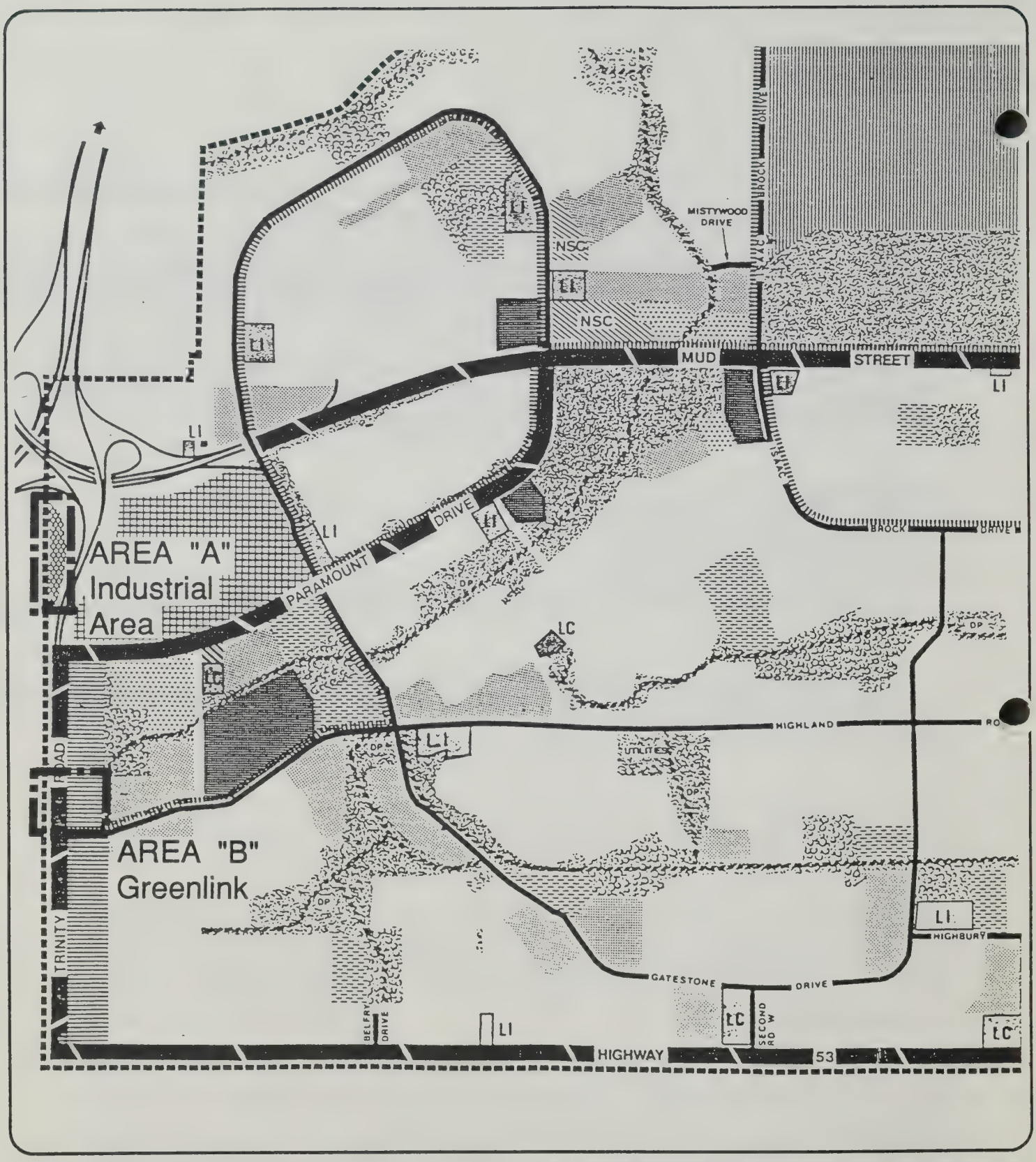
- advise the Region that it is not opposed to Amendment No. 23 to the City of Stoney Creek Official Plan;

- review of the need for the open space link in the East Mountain Industrial Park Neighbourhood Plan to be undertaken.

BJ/dkp/cs

Attach.

A:\POLICY.GEN



Part of Heritage Green Secondary Plan

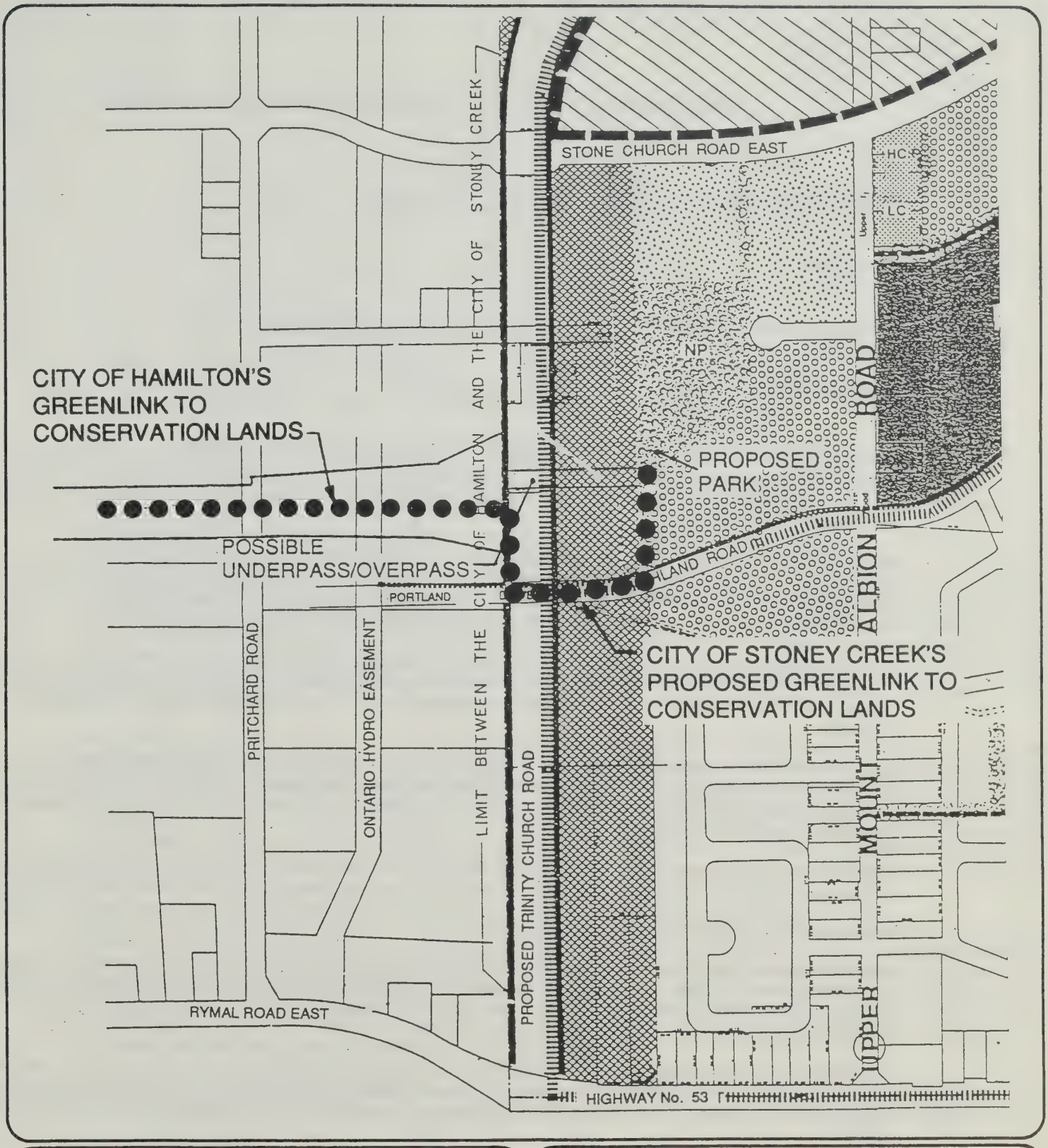
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Areas of Concern

North	Scale	Reference File No.
	NOT TO SCALE	
	Date	Drawn By
	AUGUST, 1990	AJL

MAP 1



Heritage Green
Proposed Greenlink

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

●●●● Proposed Greenlink

North	Scale	Reference File No.
	NOT TO SCALE	N/A
	Date	Drawn By
	JULY, 1990	T.A.

MAP 2

THE CORPC TIO'I OF THE CITY OF STONEY CREEK

RESOLUTION NO. 13 - 9

SESSION July 24, 1990

MOVED BY

SECONDED BY

WHEREAS the City of Stoney Creek Council in accordance with the provisions of Section 17 of the Planning Act adopted Amendment No. 23 to the Official Plan of the City of Stoney Creek on the twenty-fifth day of July, 1989 and this Amendment to date remains to be approved by the Regional Municipality of Hamilton-Wentworth; and

WHEREAS The Paletta International Corporation on the twenty-third day of August, 1989 requested the Regional Municipality of Hamilton-Wentworth to refer the entire Amendment No. 23 to the Ontario Municipal Board as said Paletta International Corporation opposed the "Institutional" designation by this Amendment on their lands located at the corner of Mud Street and First Road West; and

WHEREAS The Paletta International Corporation on the fifth day of April, 1990 applied for an Amendment to the City of Stoney Creek Official Plan to allocate alternate urban uses for their lands at the corner of Mud Street and First Road West by way of proposed Amendment No. 35, presently under consideration by the City; and

WHEREAS the Wentworth County Board of Education on the twenty-ninth day of January, 1990, adopted a Resolution relinquishing any claim to the Institutional site at the corner of Mud Street and First Road West and requested an alternate Institutional site for a Secondary School on the north side of Highland Road in the Felker Neighbourhood; and

WHEREAS the Council of the City of Stoney Creek on the twenty-sixth day of June, 1990 passed a Resolution adopting the recommendation of the City Planning Director's Report PL90-17 which report dealt with all outstanding issues relative to the approval of Amendment No. 23 and provided the Region with directions to address all issues of concern; and

WHEREAS the City of Stoney Creek Council on the twenty-fourth day of July, 1990 has relocated the Institutional site from the corner of Mud Street and First Road West as identified by Amendment No. 23 to the north side of Highland Road in the Felker Neighbourhood by way of adopting Amendment No. 33 to the City Official Plan; and

WHEREAS the approval of said Amendment No. 23 constitutes a matter of public interest as it implements Provincial Policies for Land Use Planning for Housing and relevant Council Policies and Objectives for Stoney Creek relative to the provision of an adequate supply of urban land to accommodate expected growth;

NOW, THEREFORE, BE IT RESOLVED THAT:

That the Regional Council be requested to undertake the necessary action immediately to approve Amendment No. 23 to the City Official Plan, as modified by the recommendations of the City Planning Director's Report PL90-17, and that the area subject to proposed Amendment No. 35 to the City Official Plan be deferred.

MAYOR

City of Stoney Creek

Planning Director's Report No. PL90 - 44

To	Mayor and Members of Council	**Report Date**	July 19, 1990
From	R.M. Marini, M.C.I.P.	**Agenda No.**	90 - 13
Dept.	Planning	**Agenda Date**	July 24, 1990
Re	Approval of Official Plan Amendment No. 23 (Heritage Green Secondary Plan)		

Amendment No. 23 to the City Official Plan was adopted by City Council July 25, 1989 and it was subsequently forwarded to the Regional Municipality of Hamilton-Wentworth for approval. To date, this Amendment remains to be approved by the Region due to some outstanding issues that were to be resolved. As a matter of background, approval of Amendment No. 23 is vital to the City as it covers an urban area of approximately 750 hectares in the West Mountain Area and proposes approximately 9500 dwelling units with a planned population of 28,400 persons. This Amendment includes a substantial amount of multiple family dwellings, the majority of which are proposed on Ministry of Government Services' lands. These dwellings would provide plenty of opportunity for affordable housing in the area in accordance with the Provincial Policy for Land Use Planning for Housing.

City Planning Staff have attempted to resolve all outstanding public concerns which have prevented the approval by the Region of Amendment No. 23. To date all concerns have been addressed except for the City of Hamilton's request to provide a grade separated crossing of the Trinity Road Extension to connect Hamilton's Open Space System with the Open Space System in Heritage Green. Council's position on the matter, through the adoption of Planning Director's Report PL90-17 on June 26, 1990, is that the underpass/overpass scheme, if approved, would be a duplication of services, as the Highland Road intersection would fulfill the crossing needs in this area and that this matter should not delay the approval of Amendment No. 23.

The issues of concern relative to the approval of Amendment No. 23 were addressed in the City Planning Director's Report No. PL90-17 which Report provided the Region with directions to resolve these matters. One of the most contentious issues was the request to the Region by Paletta International Corporation to refer the entire Amendment to the Ontario Municipal Board on the basis of their opposition to the Institutional designation on their lands at First Road West and Mud Street. City Council, by way of approving Amendment No. 33 to the City's Official Plan on July 26, 1990, will remove the basis for this referral with the relocation of the Institutional site to the Felker Neighbourhood.

In summary, all outstanding matters relative to the approval of Amendment No. 23 have been addressed. It is now appropriate that City Council request Regional Council to immediately approve the Amendment.

Recommendation

Based on the foregoing, it is recommended that the attached Resolution relative to the approval of Amendment No. 23 to the City's Official Plan by the Region be adopted and that the Resolution and this Report be forwarded to the Council of the Region of Hamilton-Wentworth, the Regional Planning and Development Department, the Plans Administration Branch of the Ministry of Municipal Affairs, the Ministry of Government Services and the Council of the Corporation of the City of Hamilton.

Respectfully submitted

R. M. Marini

R. M. Marini, M.C.I.P.
Director of Planning

Prepared by

M. Nunez

M. Nunez, M.C.I.P.
Manager, Land Use & Policy

mn:ad

19.

FOR ACTION

TO:	**SUSAN K. REEDER, SECRETARY PLANNING AND DEVELOPMENT COMMITTEE**	**DATE:**	August 3, 1990
		COMM FILE:	
		DEPT FILE:	734.1

FROM: **J. D. THOMS, COMMISSIONER**
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: Proposed renaming of a street name, Alma Avenue, to Eaglewood Drive.

RECOMMENDATION:

1. That approval be given to proceed with the required publication of a proposed by-law to rename Alma Avenue to Eaglewood Drive.

2. That approval be given to hold a public meeting to consider the passing of a by-law to change the name of Alma Avenue to Eaglewood Drive.

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development

A. L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

The Hamilton Fire Department has requested that Alma Avenue west of Eaglewood Drive in the Eleanor Neighbourhood be renamed to Eaglewood Drive (Appendix "A").

LOCATION:

Alma Avenue is a stub road which extends about 153.5 feet easterly from Eleanor Avenue and was established by Registered Plan No. 1007. The Neighbourhood Plan as approved by Council established Eaglewood Drive as the ring-road collector street in the neighbourhood which should connect to Eleanor Avenue (Appendix "B").

COMMENTS:

1. The renaming of Alma Avenue appears to be a housekeeping measure which would correct a confusing existing situation and furthermore would avoid the duplication of two already existing street names in the Region which are named "Alma".

2. It is noted that no properties are located on Alma Avenue, so that no resident would be directly affected by the renaming and no notices would have to be sent out.

JLS/jd

Hamilton Fire Department
Communications Centre

APPENDIX "A"

Memorandum

****

TO: The Regional Municipality of Hamilton-Wentworth
J. L. Schwarz
Manager, Subdivision and Condominium
Administration Section - Fax 546-4364

FROM: Dave Lumsden
Communications Operator

SUBJECT: Street name under consideration within the City of Hamilton

DATE: 1990 JuL 09

ALMA AVENUE - **OBJECTION**

I realize that this street name has been on the books for a number of years for this location but never went in until now.

We now have Alma Street in Dundas and Alma Lane in Ancaster. See maps enclosed.

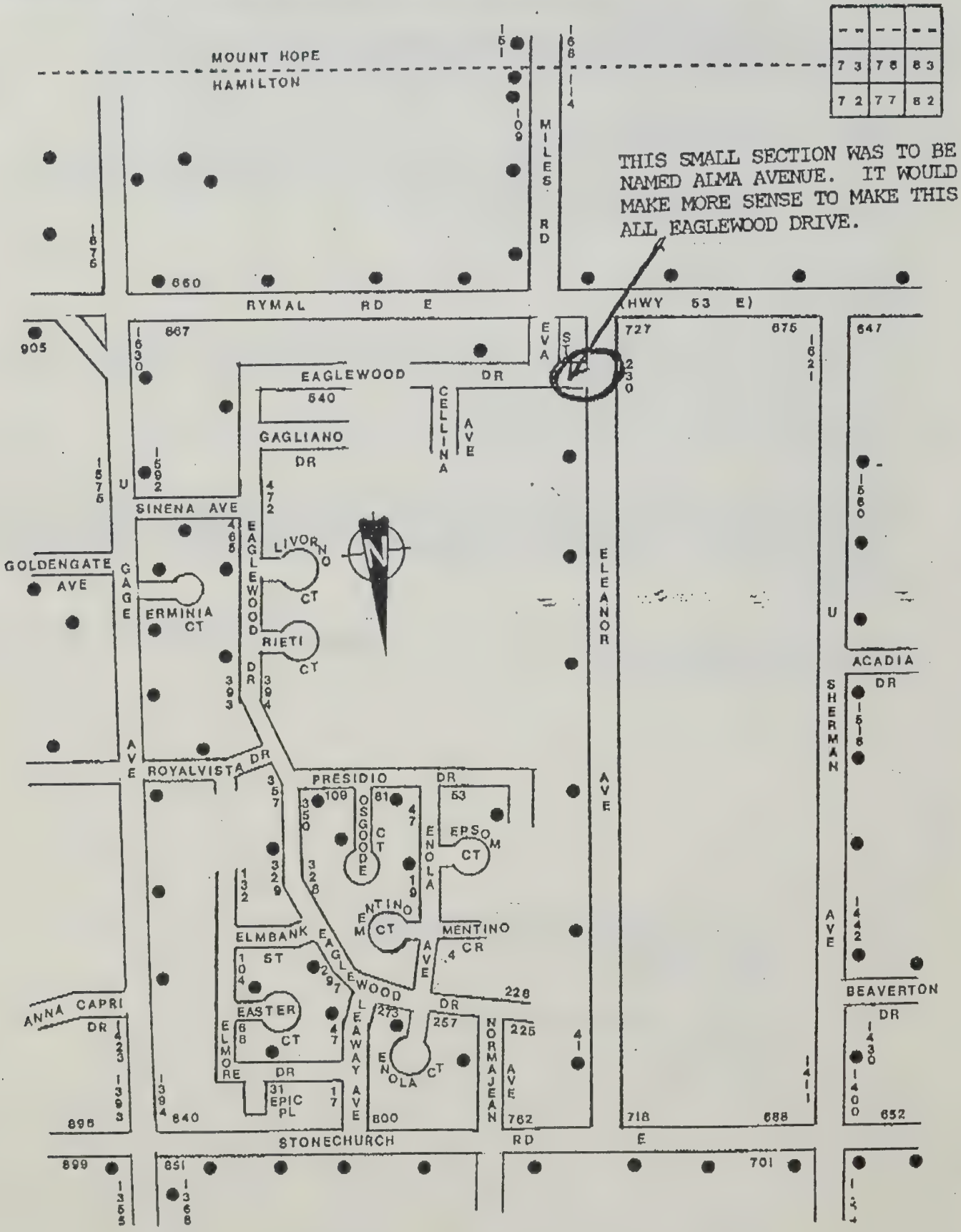
This is such a small street joined to Eaglewood Drive at Eva Street, it would make more sense to me to leave the whole street as Eaglewood Drive right out to Eleanor Avenue as is shown on a billboard map at Eleanor Avenue and Stonechurch Road East.

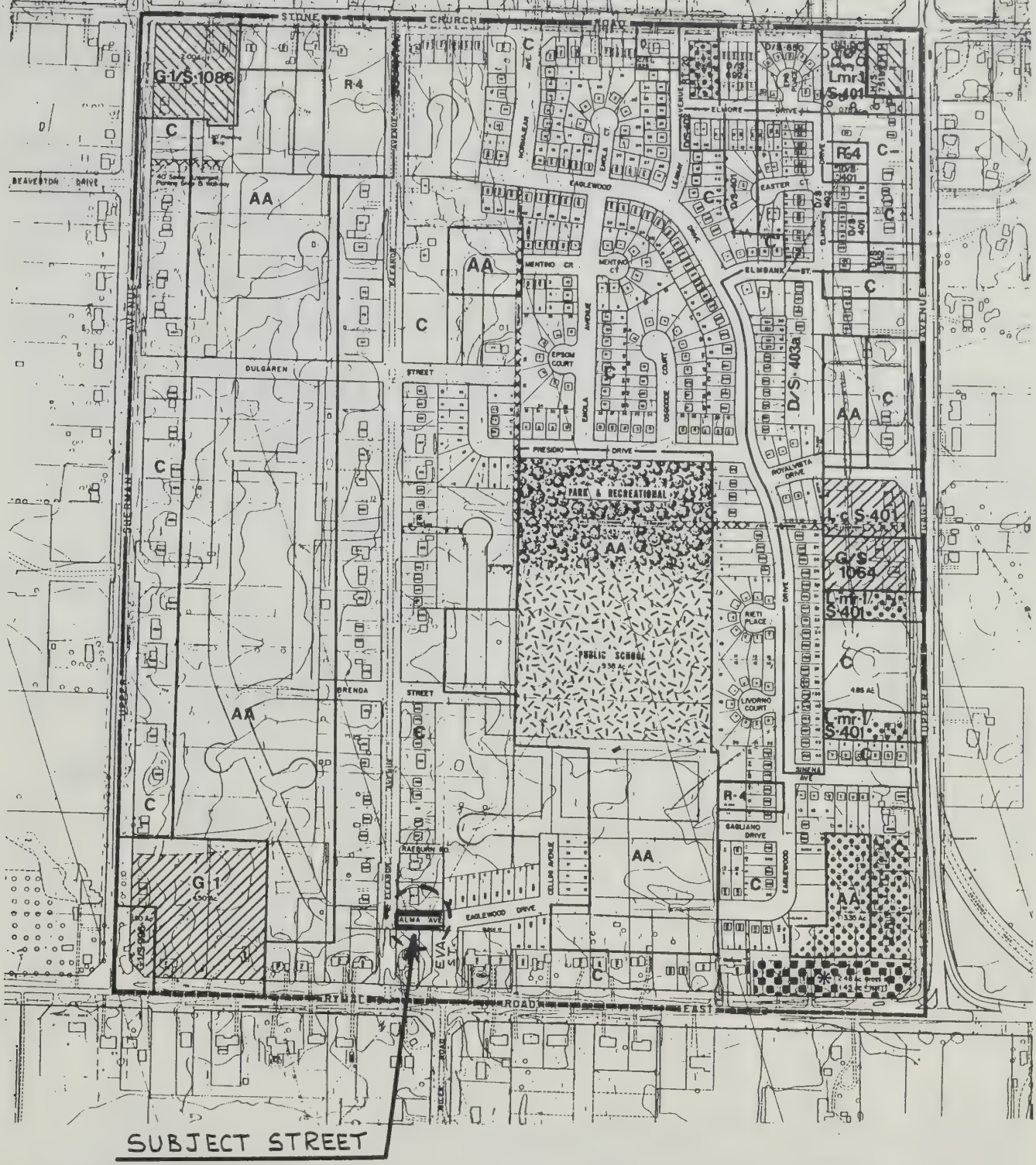
Fire, Police and Ambulance will have a **strong objection** if this street will stay with Alma Avenue.

CC: Hamilton Wentworth Regional Police
Debbie Gifford
Fax 522-9199

Central Ambulance Dispatch
Roy Hurst
Fax 383-1202

U GAGE TO U SHERMAN
STONECHURCH TO CITY LIMITS





SUBJECT STREET

NOTE: This is a **GUIDE PLAN** only and is subject to change. For details contact the local planning division of the Regional Municipality of Hamilton-Wentworth.

EXISTING POPULATION (1988) 1165

LAND USE

RESIDENTIAL

- single & double
- attached housing
- low density apartments
- medium density apartments
- high density apartments
- commercial & apartments
- * (min. 50 % residential)

- COMMERCIAL
- INDUSTRIAL
- CIVIC & INSTITUTIONAL
- PARK & RECREATIONAL
- OPEN SPACE
- UTILITIES

- Neighbourhood Boundary
- Zoning Boundary

Approvals

Planning Committee JULY 5, 1973 Council NOV. 27,1973

Latest Revision Date APR. 24/90

CITY OF HAMILTON

PLANNING DEPARTMENT

ELEANOR

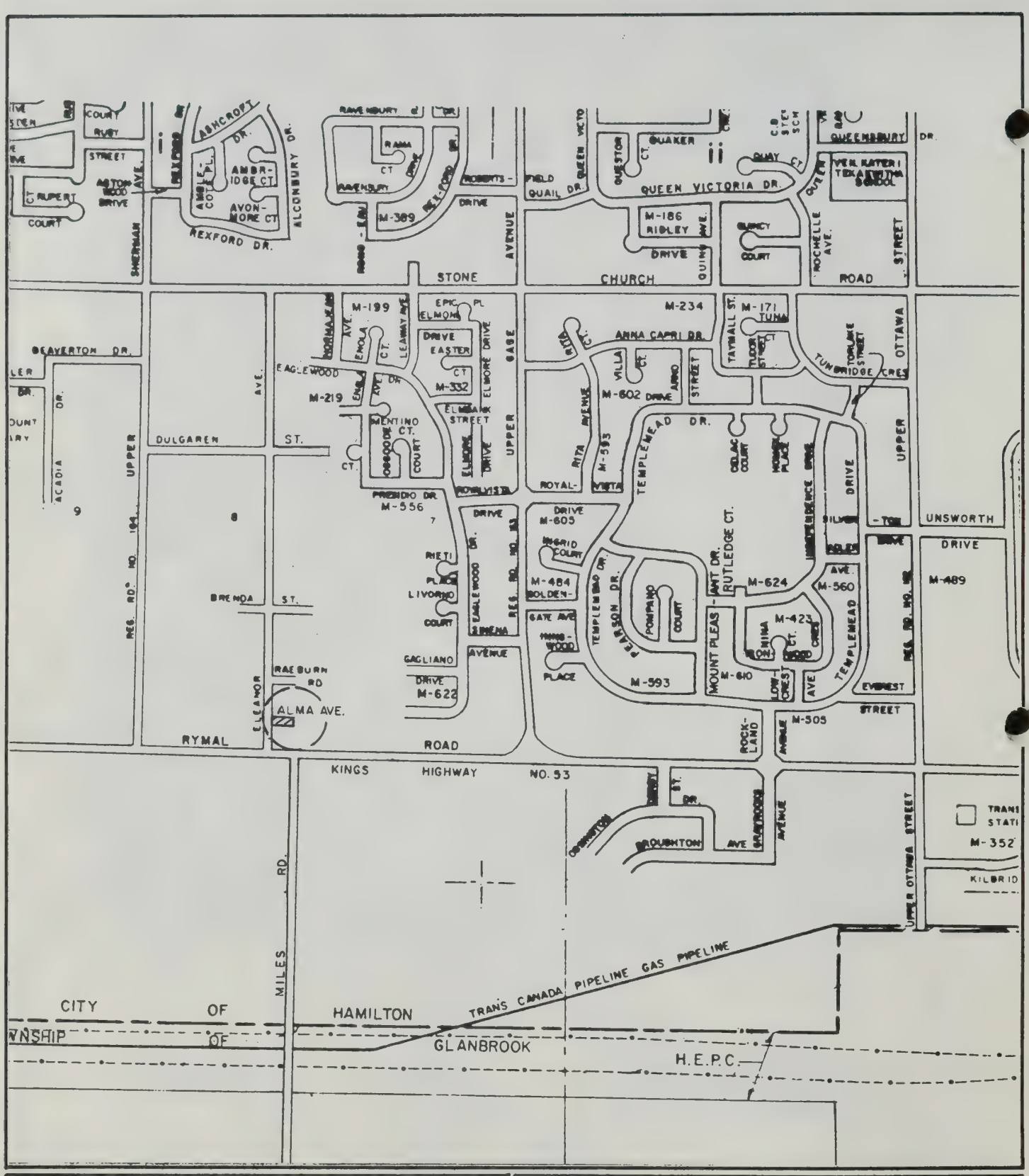
APPROVED PLAN

NORTH

SCALE 0 50 m 100 m

43

APPENDIX "B"



Location Plan For

ALMA AVENUE

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

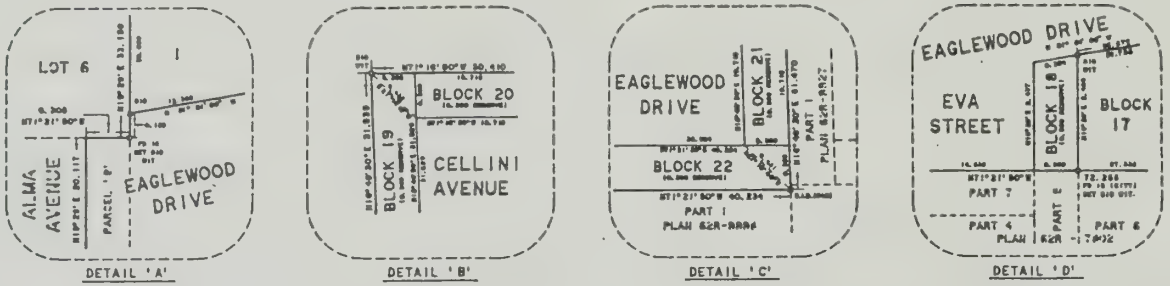
Legend

PROPOSED STREET RENAMING

North	Scale	Reference File No.
	N. T. S.	7341
	Date	Drawing No.
	JULY 23, 1990	

257-87036

M-2762-C



NOTE: DETAILS NOT TO SCALE

PLAN 62M-643

I CERTIFY THAT THIS PLAN 62M-643 IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF WENTWORTH AT 2:12 O'CLOCK ON THE 11th DAY OF January 1990 AND ENTERED IN THE REGISTER FOR PARCEL PLAN-L SECTION 62M-643 AND REQUIRED CONSENTS AND AFFIDAVITS ARE REGISTERED AS PLAN DOCUMENT No. R710914-T

V. Mattessi
LAND REGISTRAR

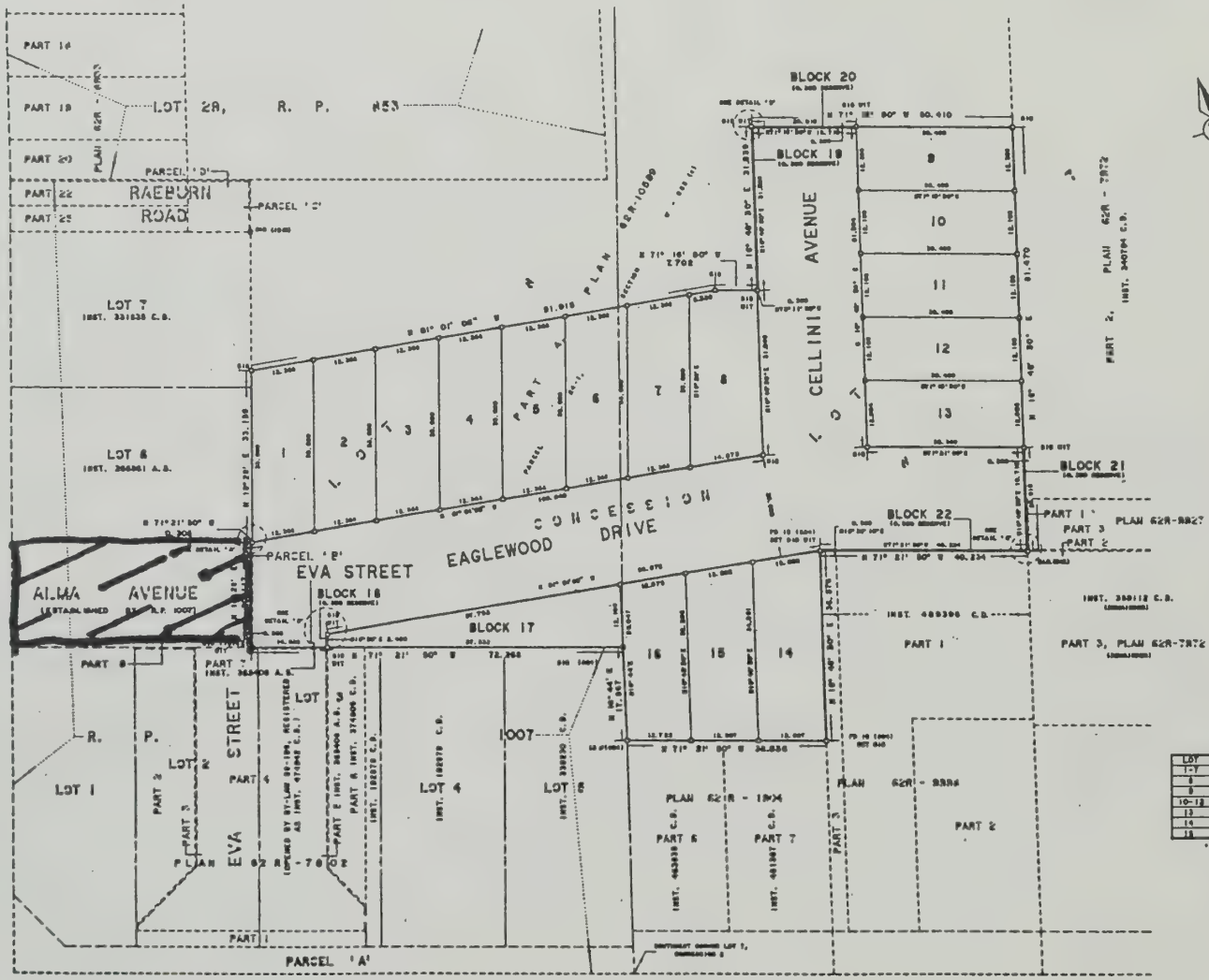
THIS PLAN COMPRISES PART OF PARCEL 24-1, SECTION 0-040101

APPROVED UNDER SECTION 50 OF THE PLANNING ACT BY THE COMMISSIONER OF PLANNING AND DEVELOPMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH THIS 6th DAY OF December 1989

J. Pearce
COMMISSIONER OF PLANNING AND DEVELOPMENT
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
AUTHORIZED BY BY-LAW 89-300-171

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.



LOT	AREA (m²)	LOT	AREA (m²)
1-7	402.86	18	396.42
8	437.31	BLOCK	
9	373.71	17	416.82
10-12	367.64	16	0.74
13	391.40	19	9.48
14	487.79	20-21	5.81
15	528.87	22	12.07

TOTAL AREA

[illegible] HECTARES
[illegible] SQ. METRES
[illegible] ACRES

Bar-Brock Estates phase two

BEING A PLAN OF SUBDIVISION
OF ALL OF
PARCEL 'B'
FITZSIMON PARK SURVEY
REGISTERED PLAN No 1007
AND PART OF
LOTS 7 & 8, CONCESSION 8
IN THE GEOGRAPHIC TOWNSHIP OF BARTON
ALL IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON - WENTWORTH

SCALE 1:500

D. B. PETERS, O.L.S.
1989

OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT:

1. LOTS 1 TO 18, BOTH INCLUSIVE, BLOCKS 16, THE STREETS, NAMELY EAGLEWOOD DRIVE, CELLINI AVENUE AND EVA STREET, AND RESERVES, NAMELY BLOCKS 19 TO 22, BOTH INCLUSIVE, HAVE BEEN LAID OUT IN ACCORDANCE WITH THIS PLAN.

2. THE STREETS ARE HEREBY DEDICATED TO THE CORPORATION OF THE CITY OF HAMILTON AS PUBLIC HIGHWAYS.

SHERDALE GARDEN HOMES LIMITED
PRES. SECRETARY - TREASURER

I HAVE THE AUTHORITY TO BIND THE CORPORATION

DATED THE 3rd DAY OF November 1989

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER.

2. THE SURVEY WAS COMPLETED ON THE 20th DAY OF NOVEMBER, 1989.

NOVEMBER 21, 1989
DATE
HAMILTON - ONTARIO

D. DAVID PETERS, O.L.S.

NOTE

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF PLAN 62R-10690 BEING S 71°16'00"W

LEGEND

SIB	DENOTES A SHORNERT SET
SIB	DENOTES A SHORNERT FOUND
	DENOTES AN IRON BAR
	DENOTES A STANDARD IRON BAR
SB	SB
	DENOTES A SQUARE BAR
	DENOTES A ROUND BAR
(DB)	DENOTES A D. B. PETERS, O.L.S.
(BCIT)	DENOTES A T. BOLLARD, O.L.S.
(CITY)	DENOTES CITY OF HAMILTON
(BAR)	DENOTES A A.R.BARR, O.L.S.

MACKAY, MACKAY & PETERS LIMITED
ONTARIO LAND SURVEYORS
ESTABLISHED 1896
SUITE 204, [illegible] BUILDING
20 [illegible] STREET SOUTH
HAMILTON-ONTARIO L8N 3A1
TELEPHONE: (416) 528-7671
TELEFAX (416) 521-[illegible]

RYMAL ROAD EAST
ROAD ALLOWANCE BETWEEN THE GEOGRAPHIC TOWNSHIPS OF BARTON AND GLANFORD
FORMERLY THE KING'S HIGHWAY No 53
(OT-LAS 66-1, REGISTERED AS INST. 1987 A.B.)
(SHOWN ON PLAN 770 O.H.C., TRANSFERRED BY PLAN 840 O.H.C.)
[REGIONAL ROAD No 153]

M-2762-C

2nd floor

PLANNING AND DEVELOPMENT COMMITTEE
1990 AUGUST 22ND

CONSENT AGENDA

A) ADOPTION OF THE MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE:

Regular Meeting - 1990 July 25

Special Meeting - 1990 July 31

B) DIRECTOR OF COMMUNITY DEVELOPMENT

(a) 201 King Street East

(b) Increase for 207-209 King Street East

CITY SOLICITOR

C) By-law - Proposed Expropriation - 19 Gerrard and 393 Sherman Avenue North.

D) By-law - City Initiative 88-K - Day Nurseries.

ACTING COMMISSIONER OF ENGINEERING

E) Cash in lieu of 5% Parkland Dedication - Beaverton Estates Subdivision.

Wednesday, 1990 July 25
9:00 o'clock a.m.
Room 233, City Hall

A.

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Mayor Morrow
Alderman Kiss
Alderman McCulloch
Alderman Drury
Alderman Christopherson
Alderman Merling
Alderman Ross

Absent: Alderman Lombardo - Vacation

Also present: Alderman Hinkley
Alderman Agro
Alderman Jackson
Alderman Copps
Mr. L. Sage, Chief Administrative Officer
Mr. Kelterborn, Board of Education
Mr. E. Matthews, City Treasurer
Mr. A. Georgieff, Director of Local Planning
Mr. R. Karl, Traffic Department
Mr. J. Robinson, Community Development Department
Ms. J. McNeilly, Community Development Department
Mr. B. Allick, Building Department
Ms. P. Noé Johnson, City Solicitor
Mr. P. Lampman, Building Department
Mr. K. Brenner, Regional Engineering Department
Mr. J. Sakala, Planning Department
Mrs. C. Floroff, Planning Department
Mr. P. Mallard, Planning Department
Mr. A. Little, Planning Department
Mr. C. Firth-Eagland, Public Works Department
Mr. Forsyth, Chairman, C.A.P.I.C.
Mrs. Lynn Dale, Acting Secretary

CONSENT AGENDA

The Committee adopted the Consent Agenda as follows:

MINUTES

The minutes of the Planning and Development Committee meetings held 1990 May 23 and 1990 June 20 were received and adopted as circulated to the members of the Committee.

DIRECTOR OF COMMUNITY DEVELOPMENT

COMMERCIAL FACADE LOAN PROGRAMME APPLICATIONS

As outlined in a report dated 1990 July 3, from the Director of Community Development the Committee approved the following recommendation:

> That a repayable loan under the Commercial Facade Loan Programme, in the amount of fourteen thousand, seven hundred and ninety-four dollars ($14,794.) be approved for 411-413 Barton Street East, Maria & Salvatore Mancuso. The interest rate will be 7-3/8 percent, amortized over 10 years.

As outlined in a report dated 1990 July 3, from the Director of Community Development the Committee approved the following recommendation:

> That a repayable loan under the Commercial Facade Loan Programme, in the amount of twenty-five thousand, nine hundred and eighty-eight dollars ($25,988.) be approved for 407-409 Barton Street East, Maria & Salvatore Mancuso. The interest rate will be 7-3/8 percent, amortized over 10 years.

CITY OF HAMILTON HERITAGE PROGRAMME APPLICATION

As outlined in a report dated 1990 July 11, from the Director of Community Development the Committee approved the following recommendation:

That the Designated Property Grant in the amount of $250. approved in 1989 be rescinded and the following substituted:

(a) That a repayable loan under the Community Heritage Trust Fund in the amount of eight hundred and thirty dollars ($830.) be approved for Helen Kirkpatrick and Thomas Baker, 256-258 MacNab Street North, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of eight hundred and thirty dollars ($830.) be provided to Helen Kirkpatrick and Thomas Baker, 256-258 MacNab Street North, Hamilton.

ACTING COMMISSIONER OF ENGINEERING

CASH PAYMENT IN LIEU OF 5% PARKLAND DEDICATION - SOUTH HILL SUBDIVISION

As outlined in a report dated 1990 June 28, from the Acting Commissioner of Engineering the Committee approved the following recommendation:

That the City of Hamilton accept the sum of $87,320. as cash payment in lieu of the 5% dedication in connection with South Hill Subdivision, Hamilton, this being the cash requirement under Section 50 of the Planning Act.

NOTE: These lands are located west of Upper James Street and south of Rymal Road West in the Kennedy East Neighbourhood, Hamilton.

DIRECTOR OF LOCAL PLANNING

PROPOSED DRAFT PLAN OF CONDOMINIUM

The Committee was in receipt of a report dated 1990 June 26, from the Commissioner of Planning and Development and approved the following recommendation:

That approval be given to application 25CDM-90003, Mahabir Homes Limited, owner, to establish a draft plan of condominium located at the south side of Limeridge Road East, west of Upper Wentworth Street, subject to the following:

(a) That this approval apply to the plan prepared by A. T. McLaren Limited, dated 1990 January 8, showing 26 townhouse units.

(b) That the owner satisfy the financial requirements of the Regional Municipality of Hamilton-Wentworth.

BUILDING COMMISSIONER

DEMOLITION PERMIT APPLICATIONS

Alderman Christopherson thanked the Building Commissioner for the new format of reports regarding demolition permits.

The Committee was in receipt of reports dated 1990 July 9, from the Building Commissioner concerning demolition and approved the following recommendations:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

(a) 783 Concession Street

(b) 785 Concession Street

(c) 791 Concession Street

(d) 99 Alpine Avenue

(e) 592 Stone Church Road East

The Committee agreed to move to Item 10 of the Agenda due to conflicting commitments on behalf of Staff that were required for this Item.

ALDERMAN ROSS

WALKWAYS

Alderman Ross appeared before the Committee to discuss the size and maintenance of walkways. Alderman Ross expressed concern over the narrow width of many walkways throughout the City. Further, narrow walkways usually create maintenance problems. Alderman Ross stressed the need for the City to maintain these walkways and that funds be placed in the appropriate budgets.

The Committee discussed the fact that they can deal with the size of the walkways which is a Planning matter, however, the maintenance, etc. would have to be dealt with by the Transport and Environment Committee. The Committee discussed the fact that the Transport and Environment Committee has no money in the budget for maintenance and that possibly money should be set aside by developers for future maintenance.

The Committee emphasised the need for a higher level of maintenance and approved the following recommendation:

(a) That the Transport and Environment Committee be requested to review the level of maintenance of walkways with a view to recommending a higher level of maintenance in future with respect to weed control, garbage collection and snow removal;

(b) That the Staff be requested to send the Transport and Environment Committee report respecting this matter to the Planning and Development Committee for their information.

The Committee agreed that Item 3., a Private and Confidential matter would be dealt with later on in the Agenda.

DIRECTOR OF COMMUNITY DEVELOPMENT

SECOND ANNUAL BUSINESS DEVELOPMENT SEMINAR 1990

The Committee was in receipt of a report dated 1990 July 18, from the Director of Community Development and approved the following recommendation:

That, the 1990 Business Development Seminar be held 1990 October 23 at the Royal Connaught Hotel at an estimated cost of ten thousand dollars ($10,000.).

NOTE: A sponsorship programme with anticipation of reducing the cost substantially to the City of Hamilton has been introduced. Last year's expenditure amounted to eight thousand, seven hundred and eighty-five dollars ($8,785.) which did not include sponsorship. Funds available in the Downtown Action Plan Phase IV, Account No. CF5698-428803006.

CENTRAL/BEASLEY - PROGRAMME FOR RENEWAL, IMPROVEMENT, DEVELOPMENT AND ECONOMIC REVITALIZATION (P.R.I.D.E.); 1990-1991 PROVINCIAL ALLOCATION.

The Committee was in receipt of a report dated 1990 July 12, from the Director of Community Development. The Committee discussed the boundaries of the P.R.I.D.E. area, and why they had been chosen. After discussion the Committee approved the following recommendation:

That the Central/Beasley Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.) be proceeded with at an estimated gross cost of six hundred and twenty-seven thousand ($627,000.) 50% ($313,500.) Provincial and 50% ($313,500.) Municipal as provided for in the 1990-1994 Capital Budget.

STATUS REPORT - CROWN POINT WEST/STIPELEY PROGRAMME FOR RENEWAL, IMPROVEMENT, DEVELOPMENT, AND ECONOMIC REVITALIZATION (P.R.I.D.E.) PHASE II.

The Committee was in receipt of a report dated 1990 July 13, from the Director of Community Development with respect to the Crown Point West/Stipeley P.R.I.D.E. Programme Phase II and agreed to receive for their information the report.

DIRECTOR OF PROPERTY

TERMINATION OF LEGAL ACTION BY THE CITY OF HAMILTON AGAINST D. S. SAVAGE INDUSTRIAL SALES LIMITED.

The Committee was in receipt of a report dated 1990 July 13, from the Director of Property and approved the following recommendation:

That the City of Hamilton dismiss the action against D. B. Savage Industrial Sales Limited subject to the following terms:

(a) That D. B. Savage pay all legal and other costs namely,

	$3,865.00	City Solicitor's Department
	500.00	Real Estate Division
Total	$4,365.00	

(b) That all arrears and property taxes be paid up to date.

(c) (i) That D. B. Savage execute a Full and Final Release in favour of the City in a form satisfactory to the City Solicitor.

(ii) That Minutes of Settlement be executed between the City and D. B. Savage reflecting the terms above and allowing for an Order dismissing the action upon completion of settlement.

ACTING COMMISSIONER OF ENGINEERING

RELEASE OF MAINTENANCE EASEMENT AT 310 CRERAR DRIVE, LOT 28, "AQUILA PLACE" SUBDIVISION PLAN 62M-425.

The Committee was in receipt of a report dated 1990 July 12, from the Acting Commissioner of Engineering and approved the following recommendation;

> That the Mayor and City Clerk be authorized to execute an amendment to the subdivision agreement for Aquila Place - Phase 1, Registered Plan 62M-425, deleting the requirement for maintenance easements, which amendment is to be prepared by the City Solicitor.

The Committee agreed to table Item 9. until the Mayor had an opportunity to appear before the Committee.

ALDERMAN BRIAN HINKLEY

FERGUSON AVENUE BETWEEN MAIN STREET AND WILSON STREET.

The Committee was in receipt of a report dated 1990 July 13, from Alderman Hinkley concerning Ferguson Avenue between Main Street and Wilson Street.

A copy of an Information Report dated 1990 July 17, from the Commissioner of Planning was distributed to the Committee for their information.

Alderman Hinkley appeared before the Committee to discuss concerns regarding Ferguson Avenue and how under-utilized this area is. Alderman Hinkley went on to indicate that he has received positive feed-back from people in the area and his hope is that Ferguson Avenue would be given a higher priority in the development process. Further, that any redevelopment would not be delayed because of the railway line. Alderman Hinkley expressed concern that all groups be involved including the B.I.A.'s.

The Committee was advised by the Director of Local Planning that C.A.P.I.C. has identified this as a high priority area. The Committee discussed this area in relation to the Beasely P.R.I.D.E. area and the Downtown Action Plan. Concern was expressed that a number of groups are looking at this area and that Ferguson Avenue should be given high priority and dealt with separately.

Mary Pocius from International Village appeared before the Committee and supported Alderman Hinkley's suggestion that Ferguson Avenue indeed is an important area and the need for the necessary studies to go forward at this time.

Mr. Forsyth, Chairman of C.A.P.I.C. also addressed the Committee indicating that C.A.P.I.C. is looking at this area and that Ferguson Avenue has tremendous potential.

After considerable discussion the Committee approved the following recommendation:

(a) That a comprehensive study be conducted to review the potential of Ferguson Avenue, north of Main Street and surrounding area for redevelopment and streetscaping;

(b) That this recommendation be forwarded to the Downtown Action Plan Co-ordinating Committee with a view to establishing an Ad Hoc Committee.

Further the Committee requested that all interested parties should be invited to a meeting to discuss the formation of this Committee and that the Planning and Development Committee be kept advised of the progress of this study as well as Alderman Hinkley and the Ward Aldermen.

DELEGATIONS

ALDERMAN VINCE AGRO

SOUTH LEG OF KING STREET BETWEEN JAMES AND JOHN STREETS

The Committee was in receipt of a report dated 1990 April 19, from the Director of Traffic Services as well as numerous submissions from various groups and organizations concerning the south leg of King Street between James and John Streets.

Alderman Agro appeared before the Committee with Mr. Scarfone who is the Legal Representative for Mr. David Lee, Southside Men Shop. Alderman Agro addressed the Committee concerning the history of this area and the need for the area to be opened up to vehicular traffic. Mr. Scarfone addressed the Committee on behalf of his client reiterating Alderman Agro's concerns and the urgent need to re-open this area for vehicular traffic.

Mr. Gabriele Etele appeared before the Committee on behalf of the Downtown B.I.A. indicating that this was an on-going issue and that he would request additional time in order to go back to his Board of Directors to discuss this matter.

After considerable discussion the Committee agreed to:

(a) **Table** this matter in order to provide the B.I.A. and all interested groups an opportunity to review the issue.

(b) That the matter would be brought back to the Planning and Development Committee for the September meeting.

(c) That all interested players would be invited to attend this meeting to discuss the matter in further detail.

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE AND URBAN DESIGN COMMITTEE

INCLUSION OF LANDS LOCATED IN THE CENTRAL AREA PLAN UNDER SITE PLAN CONTROL.

The Committee was in receipt of a report dated 1990 July 30, from the Urban Design Committee and C.A.P.I.C, as well as a report dated 1990 July 18, from the Commissioner of Planning and Development Department with respect to a proposal to include lands located in the Central Area under Site Plan Control.

Mr. Charles Forysth, Chairperson, C.A.P.I.C. addressed the Committee in order to provide additional information with respect to this request.

The Committee discussed the fact that this would bring everything under consistent controls and would assist future development. The Committee discussed the boundaries of the Central Area Plan and the Central Business District. The Committee suggested that consideration should be given to expanding the Central Business District. Mr. Georgieff, Director of Local Planning advised the Committee that the Central Business District Study is reviewing this particular matter.

After discussion, the Committee approved the following recommendation:

(a) That Site Plan Control By-laws No. 87-223 and No. 79-275, be amended to include the lands located in the Central Area (lands bounded by Hamilton Harbour, the Niagara Escarpment, Queen Street and Victoria Avenue) and that the City Solicitor be directed to prepare the necessary amendment.

(b) That the policy adopted by City Council on 1982 October 26, pertaining to Site Plan Control procedures be amended to include the following classes as minor in nature and be exempted from Site Plan Control procedures:

(i) pools;
(ii) solarium/greenhouse additions;
(iii) deck and verandah additions.

(c) That the number and type of developments requiring Site Plan Control Applications, be monitored and reviewed at the end of 1990 for the purpose of assessing the implications that the addition of the Central Area, Main Street West and Centennial Parkway within Site Plan Control, has placed on staff resources.

NOTE: The purpose of the proposed amendment to the By-laws, is to include the lands located in the Central Area under Site Plan Control. Proponents of development proposed within the area bounded by Hamilton Harbour, the Niagara Escarpment, Queen Street and Victoria Avenue would be required to submit various plans for approval. This action is based on a recommendation of the Central Area Plan adopted by City Council on 1988 October 11, and as concurred by both C.A.P.I.C. and the Urban Design Committee.

URBAN DESIGN COMMITTEE

BENCH ADVERTISING

The Committee was in receipt of a report dated 1990 July 3, from Alderman J. Smith, Chairperson, Urban Design Committee and approved that the following recommendation be submitted to the Transport and Environment Committee:

(a) That the following three categories of bench types and location be established:

(i) Bench Type: current benches advertising.

Location: In commercial & industrial districts.

(ii) Bench Type: benches with discreet advertising in the form of a plaque (e.g. this bench donated by...) on letters burned into the wooden back.

Location: (1.) in parks-fronting main streets.
(2.) public places - facing out to street.
(3.) residential neighbourhood.

(iii) Bench Type: no advertising.

Location: (1.) historical districts.
(2.) facing into parks.
(3.) public places - facing into space.
(4.) facing designated architectural and/or historical structures.

(b) That for every 6 benches with advertising, 2 benches with discreet advertising and 2 benches with no advertising must be supplied.

HAMILTON REHABILITATION PROGRAMME LOAN, (PRIVATE & CONFIDENTIAL

The Committee agreed to move In-Camera to discuss a Private & Confidential matter. The Committee received a report dated 1990 July 18, from the Director of Community Development Department and following an In-Camera discussion approved the following recommendation:

That the present payments of Mr. T. Doland, 31 Frederick Avenue, under the Hamilton Rehabilitation Programme, continue at 3% until the first 5 years are up. If, at that time, the financial situation has not improved we will review the file and make a recommendation to the Planning and Development Committee that the existing terms continue at 3% interest for another 5 years, rather than reverting to the City's prime lending rate.

COMPREHENSIVE AUDIT - BUILDING DEPARTMENT

The Committee recessed at 10:30 o'clock a.m. and reconveyed at 10:40 o'clock a.m. and approved that the following recommendation be submitted to the Finance and Administration Committee:

(a) That approval be given to proceed with the comprehensive Audit on the Operations and Functions of the Building Department as soon as possible commencing with the Inspection Division as Phase I;

(b) That the Planning and Development Committee review the Terms of Reference for the Audit and be kept advised through progress reports.

At this point the Committee moved to the Council Chambers to hear Zoning Applications.

ZONING APPLICATIONS

ZONING APPLICATION 90-36, CARRIAGE GATES HOMES LTD., PROSPECTIVE OWNERS, FOR A CHANGE IN ZONING FROM "AA" AND "C" TO "R-4" FOR THE REAR LANDS OF 1422 AND 1430 UPPER SHERMAN AVENUE; BUTLER NEIGHBOURHOOD.

The Committee was in receipt of a report dated 1990 July 12, from the Commissioner of Planning and Development respecting rear parts of 1422 and 1430 Upper Sherman Avenue.

The Committee was advised that no replies had been received on the circular. The Committee discussed the status of servicing in the area. After discussion the Committee approved the following recommendation.

That approval be given to amended Zoning Application 90-36, Carriage Gate Homes Ltd., prospective owners, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District, to permit the development of the subject lands for small lot single-family dwellings, for the property located at the rear parts of 1422 and 1430 Upper Sherman Avenue, as shown on the attached map marked as Appendix "A", on the following basis:

(a) That the lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

(b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C presentation to City Council;

(c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District, for the property located at the rear parts of 1422 and 1430 Upper Sherman Street.

The effect of the by-law is to permit the development of the subject lands for small lot single-family dwellings.

ZONING APPLICATION 89-99, 658414 ONTARIO INC. (A. LUCIANO, A. DIDIODATO AND A. DIMILLO) OWNER, FOR A MODIFICATION TO THE "M-12" DISTRICT REGULATIONS FOR PROPERTY AT 1515 UPPER OTTAWA STREET; RYMAL NEIGHBOURHOOD.

The Committee was in receipt of a report dated 1990 July 17, from the Commissioner of Planning and Development with respect to a request for a further modification in zoning - 1515 Upper Ottawa Street and approved the following recommendation:

That approval be given to amended Zoning Application 89-99, 658414 Ontario Inc., (Alfredo, Luciano, and Anna DiDiodato and Antonio DiMillo) former owners, requesting a further modification to the established "M-12" (Prestige Industrial) District regulations to legalize the existing offices used by a builder, developer, and general contractor and a property management company for property located at 1515 Upper Ottawa Street, as shown on the attached map marked as Appendix "B", on the following basis:

(a) That the "M-12" (Prestige Industrial) District regulations contained in Section 17D of Zoning By-law No. 6593, as amended by By-law No. 89-339, applicable to the subject lands, be further modified to include the following variance as a special provision:

(i) That notwithstanding Section 17D(1)(b), the following Commercial uses shall also be permitted:

Use Not Prohibited	S.I.C. Number
Operators of Residential Buildings and Dwellings	7511
Operators of Non-Residential Buildings	7512

(ii) That notwithstanding Section 17D(1)(c), the following Industrial uses shall also be permitted restricted to office use only:

Use Not Prohibited	S.I.C. Number
Single Family Housing	4011
Apartment & Other Multiple Housing	4012
Commercial Building	4022

(iii) That Section 17D(1)(d)1 shall not apply to the office uses referred to in clause (ii);

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1136a, and that the subject lands on Zoning District Map E-59D be notated S-1136a;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council;

(d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

(e) That the approved Mountain Industrial Area Plan be amended by redesignating the subject lands from "Restricted Industrial-Commercial" to "Restricted Commercial".

NOTE: The purpose of the By-law is to provide for a further modification to the established "M-12" (Prestige Industrial) District, for property located at 1515 Upper Ottawa Street.

The effect of the By-law is to permit, in addition to the uses under the "M-12" District regulations, offices for a developer, builder, and contractor as well as offices for a property management company.

ZONING APPLICATION 89-128, D. L. PALMER AND C. Y. PALMER, OWNERS, FOR A MODIFICATION TO THE "C" DISTRICT REGULATIONS FOR PROPERTY AT 767 MOHAWK ROAD EAST; HAMPTON HEIGHTS NEIGHBOURHOOD.

The Committee was in receipt of a report dated 1990 July 9, from the Commissioner of Planning and Development concerning the request for modification of Zoning - 767 Mohawk Road East.

The Committee was also in receipt of a letter dated 1990 July 18, from Mr. Jack Stewart objecting to the Zoning Application request.

The Committee was in receipt of a petition which had been forwarded by Alderman Tom Jackson from residents objecting to the Zoning modification.

Report of the circularization was given as follows;

102 notices sent 6 in favour 25 opposed

Mrs. J. Malseed, 769 Mohawk Road East appeared before the Committee objecting to the Zoning Application indicating that the area does not have sufficient parking and the fact that it is an existing single family area. Mrs. Malseed distributed photos of the area which illustrated the existing parking problems.

Mr. Joe Nadel, Counsel for Mr. & Mrs. Palmer appeared before the Committee in order to explain why the Zoning modification was being requested and described the size and style of the house.

A considerable discussion ensued with respect to two family dwellings, illegal conversions and the matter of legalizing this type of conversion after the fact. The Committee discussed the fact that this type of conversion is inconsistent with the Neighbourhood Plan and the effect it would have on traffic, parking, etc.

After considerable discussion the Committee approved the following recommendation:

That Zoning Application 89-128, Derrick Lea Palmer and Carol Yvonne Palmer, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations to legalize the established two-family dwelling located at 767 Mohawk Road East, as shown on the attached map marked as Appendix "C", be DENIED for the following reasons:

(a) It conflicts with the intent of the Official Plan, in that it would allow for an indiscriminate mix of housing types by introducing a two-family dwelling into an area which is characterised by single-family dwellings;

(b) It represents an intrusion of a two-family dwelling into an area which is characterized by single-family dwellings; and,

(c) Approval of the application would set an undesirable precedent and encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law and change the character of the neighbourhood.

ZONING APPLICATION 90-13, 687469 ONTARIO INC. (R. AND T. YATES) PROSPECTIVE OWNER, FOR A CHANGE IN ZONING FROM "AA" AND "C" TO "HH" AND "C" FOR PROPERTIES AT 1451, 1459, 1465 AND 1469 UPPER JAMES STREET; RYCKMANS NEIGHBOURHOOD.

The Committee was in receipt of a report dated 1990 July 18, from the Commissioner of Planning and Development with respect to a request for a change in zoning - land at the rear of 1451, 1459, 1465 and 1469 Upper James Street.

The Committee discussed the effect of tabling Blocks 2 and 3. The Committee was advised that there are still a number of outstanding issues with respect to Blocks 2 and 3, and it is anticipated that this matter will be brought back to the Committee in September.

After discussion the Committee approved the following recommendation;

(a) That approval be given, in part, to amended Zoning Application 90-13, R. Yates and T. Yates, prospective owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Block "1" to permit development of the subject lands for future single-family residential dwellings, for property located at the rear of 1451, 1459, 1465 and 1469 Upper James Street, as shown on the attached map marked as Appendix "D", on the following basis:

(i) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council;

(iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

(iv) That the Ryckmans Neighbourhood Plan be amended by redesignating a portion of the lands from "Low Density Apartments" to "Single and Double Residential".

(b) That Blocks "2" and "3" be Tabled in order for the applicant to submit a preliminary site plan for review by staff, and to investigate a land assembly/joint development with the adjoining property owner to the south.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located at the rear of 1451, 1459, 1465, and 1469 Upper James Street, shown as Block "1".

The effect of the By-law is to permit future development for single-family detached dwellings.

ZONING APPLICATION 90-34, F. BOZZO, OWNER, FOR A CHANGE IN ZONING FROM "C" TO "HH" FOR PROPERTY AT 21 RYMAL ROAD WEST, KENNEDY EAST NEIGHBOURHOOD.

The Committee was in receipt of a report dated 1990 July 5, from the Commissioner of Planning and Development with a request for a change in zoning - 21 Rymal Road West.

Report of the circularization was given as follows:

63 notices sent 3 in favour 5 opposed 2 returned unmarked

Ms. Ann Lucas of 1632 Upper James Street, Town & Country Donuts appeared before the Committee expressing concern over the Zoning Application.

Mr. Gerry Goto appeared before the Committee on behalf of the Applicant, supporting the recommendation.

The Committee discussed the surrounding zoning in the area and approved the recommendation:

That approval be given to Zoning Application 90-34, Felice Bozzo, owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, for property located at 21 Rymal Road West, as shown on the attached map marked as Appendix "E", on the following basis:

(a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;

(b) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variance as a special requirement:

(i) That a minimum 3.0 m wide landscaped planting strip and a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the southerly rear lot line;

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1185, and that the subject lands on Zoning District Maps W-9D and W-9E be notated S-1185;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9D and W-9E for presentation to City Council;

(e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District for property located at 21 Rymal Road West.

The effect of the By-law is to permit redevelopment of the site with a 4 storey building containing retail stores and a restaurant on the ground floor and offices on the 3 upper floors.

In addition, the By-law provides for a modification to the "HH" (Restricted Community Shopping and Commercial) District regulations by requiring that a minimum 3.0 m wide landscape planting strip and a visual barrier not less than 1.2 m and not more than 2.0 m in height, be provided and maintained along the southerly rear lot line.

ZONING APPLICATION 90-35, 591613 ONTARIO INC. (K. VANDER SCHAAF) OWNER, FOR A FURTHER MODIFICATION TO THE "HH" DISTRICT REGULATIONS FOR PROPERTY AT 57 RYMAL ROAD WEST; KENNEDY EAST NEIGHBOURHOOD.

The Committee was in receipt of a report dated 1990 July 18, from the Commissioner of Planning and Development with respect to a further modification in zoning - 57 Rymal Road West and approved the following recommendation:

(a) That approval be given to amended Zoning Application 90-35, 591613 Ontario Inc. (Karl Vander Schaaf), owner, requesting a further modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations, to permit a four storey building with commercial uses on the ground floor and 46 condominium apartment units on the upper three floors, for property located at 57 Rymal Road West, as shown on the attached map marked as Appendix "F", on the following basis:

(i) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, as amended by By-law No. 89-342, applicable to the subject lands, be further modified to include the following variances as special provisions:

(1.) That notwithstanding Section 14A(1), a multiple dwelling having not more than 46 dwellings units shall be permitted provided same is attached to any commercial use(s) permitted under Section 15B(3)(b) of Zoning By-law No. 6593;

(2.) That notwithstanding Section 14A, any of the permitted commercial uses shall be located within the first storey only;

(3.) That notwithstanding Section 14A, a minimum of 1,482 m^2 of landscaped area shall be provided and maintained at grade;

(4.) That notwithstanding Section 18A(12), a landscaped strip of not less than 1.5 m in width and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire westerly lot line;

(5.) All residential uses shall be located completely and functionally separate from any commercial use, and pedestrian access to the residential units shall be completely separate from pedestrian access to the commercial uses;

(ii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1145a; and that the subject lands on Zoning District Map W-9E be notated S-1145a;

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9E for presentation to City Council;

(iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

(v) That the Kennedy East Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Commercial and Apartments".

(b) That the applicant not receive final approval for Site Plan Control until such time as a traffic generation and impact study has been completed to the satisfaction of the Acting Commissioner of Regional Engineering.

NOTE: The purpose of the By-law is to provide for a further modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations, for property located at 57 Rymal Road West.

The effect of the By-law is to permit development of the subject lands for a 4 storey commercial/residential building containing commercial uses on the ground floor and 46 condominium apartment units on the upper three floors. In addition, the By-law provides for the following variances as special provisions:

(a) That only the commercial uses permitted in the "CR" (Commercial-Residential) Districts (Section 15B(3)(b)) shall be permitted in conjunction with the 46 dwelling units;

(b) That the commercial uses shall be permitted only on the first floor of the mixed residential/commercial building;

(c) A minimum landscaped area of 23% of the lot area is to be provided and maintained at grade;

(d) A landscaped strip of not less than 1.5 m in width and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height is to be provided and maintained along the entire westerly lot line; and,

(e) Access to the residential units is to be completely separate from the commercial uses.

ZONING APPLICATION 90-39, 527919 ONTARIO (S. KICHUK) OWNER, FOR A FURTHER MODIFICATION TO THE "E" DISTRICT REGULATIONS FOR PROPERTY AT 150 SANFORD AVENUE NORTH; GIBSON NEIGHBOURHOOD.

The Committee was in receipt of a report dated 1990 July 9, from the Commissioner of Planning and Development with respect to a further modification in zoning - 150 Sanford Avenue North.

The Applicant's Agent appeared before the Committee requesting that this matter be tabled.

Report of the circularization was given as follows;

506 notices sent 2 in favour 46 opposed

The Committee was also in receipt of the following submissions which were opposed to the request for zoning:

(a) Letter of Submission - Janice McElroy, Fay Shea, Harvey Street.

(b) Letter of Submission - J. Culshaw, 12 Harvey Street.

(c) Letter of Submission - Marilyn Hill, 197 Stirton Street.

(d) Letter of Submission - Harold Tarbutt, 20 Huron Street.

(e) Letter of Submission - Paul Underhill, 10 Huron Street.

The Committee discussed the parking problems that already exist in the area and the serious problems which would occur if this Application was to be proceeded with.

Mr. H. Tarbutt of 20 Huron Street appeared before the Committee reiterating the concerns of his Letter of Submission regarding parking, and the maintenance and garbage problems that exist with the present building, and what would occur if the Zoning Application was to be approved.

Alderman Hinkley addressed the Committee expressing concerns about this Zoning Application. Alderman Hinkley distributed a letter which had been written regarding 150 Sanford Avenue North and submitted at the time of the original Application. Alderman Hinkley expressed concerns that this area already has problems and that any further changes and an increase in dwelling units in this property would only magnify the problems.

After considerable discussion, the Committee approved the following recommendation:

> That Zoning Application 90-39, 527919 Ontario Ltd. (S. Kichuk), owner, requesting a further modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, to increase the number of dwelling units from 131 to 154 by converting the parking area on the first floor to 13 units and the amenity space on the second floor to 10 units, for the property located at 150 Sanford Avenue North, as shown on the attached map marked as Appendix "G", be **DENIED** for the following reasons:
>
> (a) It is an overintensification in land use since adequate on-site parking cannot be provided. In this regard, a minimum of 193 parking spaces are required whereas only 150 are proposed which results in a shortfall of 43 spaces. The loss of parking spaces will only aggravate the parking problem in the area.
>
> (b) It is contrary to the intent of the existing Site Plan By-law 70-285 which restricts the gross floor area to 12,412.8 m^2. The proposal would require an increase in the floor area of 1,532.85 m^2 (12%). The existing building has an F.A.R. of 2.0 and the increase would result in an F.A.R. of 2.2.
>
> (c) Amenity areas within apartment buildings are intended to serve both existing and future tenants. Accordingly, it should be preserved and enhanced wherever possible, not converted to additional units.
>
> (d) Approval of the application, would encourage other similar application which, if approved, would undermine the intent of the Zoning By-law.

CITY INITIATIVE 90-F - PARKING REQUIREMENTS IN THE CENTRAL BUSINESS DISTRICT.

The Committee was in receipt of a report dated 1990 July 18, from the Commissioner of Planning and Development, and an Information Report dated 1990 July 19, from the Chief Administrative Officer with respect to Cash-in-lieu of Parking.

The Committee reminded the public that all submissions should be submitted by 1990 August 24.

Following discussion the Committee approved the following recommendations as submitted:

(a) That written submissions from the public on the recommendations of the Parking Authority, as endorsed by the Finance and Administration Committee at its meeting of 1990 March 22, be received up to Friday, 1990 August 24.

(b) That the Planning and Development Department in consultation with the Parking Authority, Traffic Department, Building Department and the Cash-in-lieu of Parking Committee review the submissions and prepare a report for the consideration of the Planning and Development Committee.

At the Mayor's request, the Committee agreed to deal with Item 9.

MAYOR R. M. MORROW

ESTABLISHING A TASK FORCE ON IMPROVEMENTS TO THE ART GALLERY ENTRANCE, COMMONWEALTH SQUARE AND SUMMERS' LANE

The Mayor appeared before the Committee to express concern that an Ad Hoc Committee should be established to review and co-ordinate future development on the Commonwealth Square and Summers' Lane.

After discussion the Committee approved the following recommendation:

(a) That an Ad Hoc Committee of the Planning and Development Committee be established to review and co-ordinate the entire issue respecting the future use of Commonwealth Square and Summers Lane.

(b) That the Ad Hoc Committee be comprised of the Mayor, Chairman and members of the Planning and Development Committee, members of City Council, appropriate City and Regional staff, and that the following interested parties be invited to participate on the Ad Hoc Committee: H.E.C.F.I., C.A.P.I.C., Downtown Action Plan Committee, Crystal Palace Sub-Committee, Arts Advisory Sub-Committee, the Art Gallery, the Board of Education and others as required.

The Committee recessed for Lunch and reconveyed to continue with the Agenda.

AMENDMENT TO ZONING APPLICATION 89-111, Y. SHARIF, OWNER, FOR LAND AT 991 UPPER PARADISE ROAD.

The Committee was in receipt of a report dated 1990 July 13, from the Commissioner of Planning and Development with respect to an amendment to Section 17, (1990) 12 R. P. D. C., June 26 - 991 Upper Paradise Road and approved the following recommendation:

That Section 17 of the Twelfth Report for 1990 of the Planning and Development Committee, adopted by City Council at its meeting of 1990 June 26, regarding amended Zoning Application 89-111, Y. Sharif, owner, be amended by adding the following sections:

(B)(b)(ii) That notwithstanding Section 9 of Zoning By-law No. 6593, a minimum of thirteen parking spaces shall be provided and maintained;

(B)(b)(iii) That the required area for parking, manoeuvring and access for the day nursery shall not occupy more than 50% of the gross area of the front yard;

(B)(b)(iv) That not less than 50% of the gross area of the front yard shall be landscaped; and,

(B)(b)(v) That the provisions of subsections 18A(9), (10) and (22) shall not apply, but only in respect of manoeuvring space requirements.

NOTE: The purpose of these portions of the By-law is to require parking for the previously approved day nursery for property municipally known as 991 Upper Paradise Road.

The effect of these portions of the By-law is to require the following variances as special provisions, applicable to the day nursery:

(a) Thirteen parking spaces whereas none are required;

(b) The parking spaces shall not occupy more than 50% of the gross area of the front yard;

(c) Landscaping of not less than 50% of the front yard; and,

(d) A stacked parking arrangement be permitted whereas stacked parking is not permitted.

REQUEST BY MR. J. M. VENDITTI, FOR STARWARD HOMES TO RECONSIDER THE CONDITIONS RESPECTING A 4.57M WALKWAY IN THE PROPOSED DRAFT PLAN OF SUBDIVISION "ORCHARD PARK ESTATES".

The Committee was in receipt of a report dated 1990 June 27, from the Commissioner of Planning and Development with respect to reconsider conditions regarding a 4.57m walkway - "Orchard Park Estates" and approved the following recommendation:

That the previous conditions, as recommended by the City of Hamilton Council for approval on 1989 July 25, approving Section 24 of the Seventeenth report of the Planning and Development Committee (Appendix "A") be confirmed.

'REVISION OF A CONDITION OF DRAFT APPROVAL RE: 5% "EDAN HEIGHTS" - LANDS IN THE AREA WEST OF UPPER SHERMAN AVENUE AND SOUTH OF BEAVERTON DRIVE, BUTLER NEIGHBOURHOOD.

The Committee was in receipt of a report dated 1990 July 11, from the Commissioner of Planning and Development and approved the following recommendation:

That approval be given to amend a previously recommended condition for "Edan Heights", owned by 603976 Ontario Limited, Co Terra Homes/Dan Valentini, under Regional File No. 25T-90004 by deleting condition v) and replacing the same by the following condition:

v) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the final plan to the City of Hamilton for park purposes pursuant to The Planning Act.

BY-LAW TO REMOVE PART-LOT CONTROL FROM LOT 3, REGISTERED PLAN NO. 1059 AND FROM LOTS 1 TO 9 AND BLOCKS "10" TO "16" INCLUSIVE, REGISTERED PLAN 62M-657.

The Committee was in receipt of a report dated 1990 July 10, from the Commissioner of Planning and Development and approved the following recommendation:

(a) That the City of Hamilton adopt a by-law to remove part-lot control from Lot 3, Registered Plan No. 1059 and from Lots 1 to 9 and Blocks "10" to "16" inclusive of Registered Plan 62M-657.

(b) That the Region be requested to approve the by-law removing part-lot control on the above-noted lots and blocks of Registered Plan Nos. 1059 and 62M-639.

(c) That the by-law be repealed within 6 months of the date of its registration.

BY-LAW TO REMOVE PART-LOT CONTROL FROM LOTS 1 TO 32, REGISTERED PLAN 62M-661.

The Committee was in receipt of a report dated 1990 July 10, from the Commissioner of Planning and Development and approved the following recommendation:

(a) That the City of Hamilton adopt a by-law to remove part-lot control from Lots 1 to 32 inclusive of Registered Plan 62M-661.

(b) That the Region be requested to approve the by-law removing part-lot control on the above-noted Lots 1 to 32 inclusive of Registered Plan 62M-661.

(c) That the By-law be repealed with 6 months of the date of its registration.

Having completed the Zoning Items the Committee moved back to Item 15. of the Agenda.

PIER 4 AND PIER 8 PARKS AND HARBOUR COMMISSIONERS MARINA PROPOSAL.

The Committee was in receipt of a report dated 1990 July 16, from Charles Forysth, Chairperson, C.A.P.I.C.

The Committee discussed the boundaries that were being proposed.

Mr. Chuck Towsley, Planner for the Hamilton Harbour Commission appeared before the Committee indicating that he had met with C.A.P.I.C. to discuss these boundary changes and would like to see it extended to include Eastwood Park.

After discussion the Committee approved the following amended recommendation:

> That the Parks and Recreation Committee revise in conjunction with the Hamilton Harbour Commissioners, the Terms of Reference for Pier 4 Park Development Concept Plan (Appendix 1) to include linkage to Pier 8 and Eastwood Park along Guise Street.

SHERATON HAMILTON HOTEL - APPLICATION BY GGS HOTEL HOLDINGS CANADA INC., LESSEE, FOR APPROVAL OF MORTGAGE.

The Committee was in receipt of a report dated 1990 July 13, from the City Solicitor with respect to this matter.

The Committee received copies of the documents which were being requested for approval.

The City Solicitor appeared before the Committee to provide additional information.

The Committee discussed the financing and the existing mortgage.

After considerable discussion the Committee agreed to table this matter and that a special meeting be held before City Council inviting all members of City Council in order to thoroughly discuss this request.

WINDERMERE BASIN

The Committee was in receipt of an Information Report dated 1990 July 10, from the City Solicitor advising that Mr. I. Binnie, McCarthy Tetrault, is on vacation and could appear before the August 22nd Planning and Development Committee.

The Committee agreed that this matter would be discussed In-Camera at the Planning and Development Committee meeting scheduled for 1990 August 22nd and that it would be a joint meeting of the Transport and Environment Committee.

Alderman Merling requested that additional information be provided for this meeting concerning the history of the Windermere Basin and background information as to why the Technical Advisory Committee was disbanded, and information on the make-up of the Committee.

Further information was also requested on this special policy area.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Lynn Dale
Acting Secretary
1990 July 25

Tuesday, July 31, 1990
4:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:
Alderman J. Smith, Chairman
Mayor R. M. Morrow
Alderman M. Kiss
Alderman D. Drury
Alderman H. Merling
Alderman D. Ross

There were also present:
Alderman G. Copps
Alderman J. Gallagher
Alderman T. Murray
Mr. L. Sage, Chief Administrative Officer
Mr. E. C. Matthews, City Treasurer
Ms. Patrice Noé Johnson, City Solicitor
Mr. D. Powers, City Solicitor's Office
Mr. D. W. Vyce, Director of Property
Mr. L. King, Building Commissioner
Mr. A. Georgieff, Director of Local Planning
Miss T. Agnello, Acting Secretary

Ms. Johnson explained that the special meeting has been called to clarify items in the original report dated July 13, 1990.

Mr. Powers reviewed the changes and explained that the approval will allow G.G.S. buildings to mortgage the ground lease.

In response to questions from Alderman Merling, the Treasurer confirmed that all requirements have been satisfied by G.G.S. With regard to the financial position of G.G.S., Mr. Matthews confirmed that it is solidly based.

Alderman Merling was satisfied that adjustments in the report protect the best interests of the City of Hamilton since any changes to the ground lease are subject to the City's approval.

Alderman Copps pointed out that if there are any legal concerns, a suit must be initiated in Japan.

Mr. McCordic, Solicitor was present on behalf of Sheraton Hotels and explained that the owners purchased the property in cash and are now putting a mortgage on it.

The Committee approved the recommendations dated July 30, 1990 in the report from the City Solicitor regarding Sheraton Hamilton Hotel - Application by GGS Hotel Holdings Canada Inc., Lessee for approval of mortgage.

The Committee adjourned in closed session to discuss personnel matters and reconvened immediately thereafter.

The Committee requested Mr. Len King to prepare a report and propose recommendations regarding the organization and operation of the Inspections Division of the Building Department for the next regular Planning and Development Committee meeting to be held on August 22, 1990.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

T. Agnello, Acting Secretary
July 31, 1990

Typed by M. J. Walton

FOR ACTION

B(a)

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1990 July 27
DEPT FILE: FACADE 12

AUG 7 1990

SUBJECT: Commercial Facade Loan Programme - 201 King Street East, Hamilton

RECOMMENDATION:

That a repayable loan under the Commercial Facade Loan Programme, in the amount of twelve thousand, eight hundred and forty-one dollars ($12,841.) be approved for 201 King Street East, Mr. F. Lauinger. The interest rate will be 7 3/8 percent, amortized over 10 years.

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The owner of 201 King Steet East has applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

Approval from the International Village Business Improvement Area was not required as all work to be undertaken is Property Standards work.

The Department of Community Development therefore recommends the approval of a Commercial Facade Loan to Mr. Lauinger for improvements to 201 King Street East in the amount of $12,841. The loan will be amortized over a 10 year period at 7 3/8 percent interest. The monthly payments will be $151.61 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department

B.(b)

FOR ACTION

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1990 July 25
DEPT FILE: FACADE 74

AUG 7 1990

SUBJECT: Commercial Facade Loan Programme - Increase for 207-209 King Street East, Hamilton

RECOMMENDATION:

That an increase under the Commercial Facade Loan Programme, in the amount of three thousand, nine hundred and forty-five dollars ($3,945.) be approved for 207-209 King Street East, Mr. Ung Kim, for a new loan amount of forty-two thousand, two hundred and forty-six dollars ($42,246). The interest rate will be 7 3/8 percent, amortized over 10 years.

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The Planning and Development Committee, in a report dated 1990 June 26, approved a Commercial Facade Loan for Mr. Ung Kim, in the amount of thirty-eight thousand, three hundred and one dollars ($38,301.). Mr. Kim has subsequently requested extras to the original contract in the amount of three thousand, nine hundred and forty-five dollars ($3,945.).

The Department of Community Development therefore recommends the approval of an increase to their existing Commercial Facade Loan to Mr. Kim for improvements to 207-209 King Street East, in the amount of $3,945. for a total loan amount to forty-two thousand, two hundred and forty-six dollars ($42,246.). The loan will be amortized over a 10 year period at 7 3/8 percent interest. The monthly payments will be $498.78 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department

C.

CITY OF HAMILTON

- RECOMMENDATION -

1990

DATE: 1990 July 31

REPORT TO: Mrs. S. Reeder, Secretary
Planning and Development Committee

FROM: Ms. P. Noé Johnson
City Solicitor

SUBJECT: Proposed Expropriation of 19 Gerrard and 393 Sherman Avenue North

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RECOMMENDATION:

That the attached draft Expropriation By-law to expropriate, for the purpose of acquiring lands, buildings and structures used or erected for a purpose that does not confirm with a by-law passed under Section 34(8) of The Planning Act, S.O. 1983, Chapter 1.

P. Noé Johnson, City Solicitor

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

These two residential properties are required to remove residential uses from the Industrial zoned areas of the Alpha Enclave, which are west of Sherman Avenue North and North of Barton Street East. To date, the City has already acquired 24 of the 39 properties in the Alpha West part of this project. As authorized by Council on June 27th, 1989 and March 28, 1989 Notice of the City's intention to expropriate these two residential properties in an industrial zone have been advertised and served upon all persons having an interest in these land and no request for an inquiry hearing into the proposed expropriations has been received.

The next step in this expropriation under The Expropriations Act is for Council to enact the attached draft Expropriation By-law which will authorize registration of the City's Expropriation Plan to vest ownership of the lands into the City's name.

c.c. Mr. D. W. Vyce, Director of Property
Attention: Mr. K. Nutley
c.c. Mr. E. M. Gill, Acting Commissioner of Engineering
Attention: Mr. K. Lau, Surveys

(Ref. 55-0/89.1, 55-0/89.4)

BILL NO. C-121

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW 90-

TO EXPROPRIATE LANDS THAT DO NOT CONFORM WITH BY-LAWS PASSED UNDER SECTION 34 OF THE PLANNING ACT, S.O. 1983, CHAPTER 1

WHEREAS Section 34, subsection (8) of The Planning Act, S.O. 1983, Chapter 1 provides that a municipality may acquire land, building or structure used or erected for a purpose that does not conform with a by-law passed under Section 34 of The Planning Act;

AND WHEREAS the lands, buildings or structures described and included in the lands described in Schedule "A" below are used or erected for a purpose that does not conform with by-laws passed under Section 34 of The Planning Act;

AND WHEREAS Section 193 of The Municipal Act, R.S.O. 1980, Chapter 302 states that the Council of a municipality may pass by-laws for acquiring or expropriating any land required for the purpose of the Corporation;

AND WHEREAS on June 27th, 1989, The Corporation of the City of Hamilton, as an expropriating authority, pursuant to The Expropriations Act, R.S.O. 1980, Chapter 148 did authorize an application to the Council of The Corporation of the City of Hamilton, as approving authority, for approval of the expropriation pursuant to said Section 34, subsection (8), of the lands set out in Schedule "A" below;

AND WHEREAS Notices of the said application as required under The Expropriations Act have been duly served in accordance with The Expropriations Act;

AND WHEREAS The Corporation of the City of Hamilton, as expropriating authority, did publish Notice of this application in The Spectator, a newspaper having a general circulation in the City of Hamilton in accordance with The Expropriations Act;

AND WHEREAS an inquiry hearing to determine if the proposed expropriation was fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority was not requested; pursuant to the said Expropriations Act;

NOW THEREFORE, the Council of The Corporation of the City of Hamilton enacts as follows:

1. As approving authority under The Expropriations Act, the Council of The Corporation of the City of Hamilton hereby approves the said application to expropriate the lands described in Schedule "A" set out below;

2. As expropriating authority under The Expropriations Act, The Corporation of the City of Hamilton hereby expropriates the lands described in Schedule "A" set out below to acquire the said non conforming lands pursuant to Section 34(8) of the Planning Act, S.O. 1983, Chapter 1.

3. That the City Clerk and the proper Officers of The Corporation of the City of Hamilton are hereby authorized and directed to do all things necessary to implement and give effect to the provisions of this By-law and this authority shall include the taking of all necessary proceedings to enter and take possession of the land herein expropriated.

PASSED this day of , A.D. 1990.

Robert M. Morrow, Mayor

K. E. Avery, City Clerk

SCHEDULE "A"

That certain parcel or tract of land and premises, situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, in the Province of Ontario and being composed of

Firstly: Part of Lot 50, Registered Plan 471, designated as Part 11 on Plan 62R-10267; and

Secondly: All of Lot 4, and Part of Lot 5, Registered Plan 471, designated as Part 7 on Plan 62R-10267.

(File 55-0/89.1, Item No. 10, Committee P & D. 16-89, Council June 27, 1989)
(File 55-0/89.4, Item No. 4, Committee P & D. 8-89, Council March 28, 1989)

D.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1990 August 15

AUG 1 5 1990

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: P. Noé Johnson
City Solicitor

SUBJECT: Day Nurseries (City Initiative 88 - K)

RECOMMENDATION:
That the attached By-law be forwarded to Council for enactment

P. Noé Johnson

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
No financial or staffing implications. See below for legal implications.

BACKGROUND: Council at its regular meeting June 28, 1988 adopted the Planning and Development Committee's 15th Report, Item 5, which authorized a general text amendment to the Zoning By-law No. 6593 on land use as a "Day Nursery." Due to the two year lapse between Council authorization and the presentation of the By-law for adoption this report was prepared at the instance of the City Solicitor.

DISCUSSION: The earlier Council approval addressed proposed amendments in general terms to the Zoning By-law with specific reference to Day Nurseries, as a result of the 5 year review of the Official Plan. Day nurseries are to be permitted in all land use designations where (1) parking is readily available and/or drop-off/pick-up zone is provided and (2) the use will not create noise and traffic problems.

The draft By-law required general amendments to the text of the Zoning By-law not prepared in the earlier report. Since the adoption by Council of the specific Day Nursery amendments, a new Council term has commenced. Further, during the actual drafting exercise which was a combined effort of the Legal, Planning, Traffic and Building Departments, administrative procedures were needed to address legal non-conforming uses in respect of parking requirements. Some zones mentioned in the earlier Council resolution do not require amendment. Three Day Nursery Re-zoning applications have been dealt with in the interim, subject to site plan control.

The draft By-law is presented to the Committee for information on the current City policy with respect to the location and regulation of day nurseries as a permitted use. Companion amendments to the Site Plan By-law will be presented following the enactment of the general text amendments to the Zoning By-law.

Bill No. C122

The Corporation of the City of Hamilton

BY-LAW NO. 90-

To Amend:

Zoning By-law No. 6593

Respecting:

DAY NURSERIES

WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item 5 of the 15th Report of the Planning and Development Committee at its meeting held on the 28th day of June 1988, directed that Zoning By-law No. 6593 be amended to define Day Nursery in accordance with the Day Nurseries Act, R.S.O. 1980, c. 111, as amended, and to add day nurseries as a permitted use in selected districts, as hereinafter provided;

AND WHEREAS this by-law does not conflict with the intent of the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. DEFINITION

Section 2(2)B.(ii) of By-law No. 6593 is revoked and the following is substituted therefor:

"(ii) "Day Nursery" shall mean a day nursery to which the Day Nurseries Act applies;

Section 1(d) of the Day Nurseries Act, R.S.O. 1980, c. 111, as amended, defines "Day Nursery" as follows:

"Day Nursery" means a premises that receives more than five children who are not of common parentage, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours, where the children are,

(i) under eighteen years of age in the case of a day nursery for children with a developmental handicap, and

(ii) under ten years of age in all other cases,

but does not include,

(iii) part of a public school, separate school, private school or a school for trainable retarded children under the Education Act,

(iv) a place that is used for a program of recreation and that is supervised by a municipal recreation director who holds a certificate issued pursuant to section 10 of the Ministry of Culture and Recreation Act, or

(v) a child's mental health centre under the Children's Mental Health Services Act."

2. Section 2.(2)A of By-law No. 6593 is amended by adding the following subsection:

(axiia) "Private Home Day Care" means temporary care of 5 or fewer children under 10 years of age in a private residence other than the home of a parent or guardian of any of the children. This care is given for compensation or reward, under the supervision of a private-home day care agency and must not exceed a period of 24 hours;"

3. **APPLICATION: RESIDENTIAL USES**

(a) Section 3.(3)(i) of By-law No. 6593 is amended by inserting therein the phrase "private home day care," in the first line following the phrase "home occupation".

(b) Section 3 of By-law No. 6593 is amended by adding thereto the following subsection:

Prior Existing Use

(10) The following use existing on the date of the passing of By-law No. 90- , and any alteration, extension or enlargement of the continuing use after the passing of the by-law, shall be permitted: (By-law No. 90- , passed on 1990).

1. A day nursery duly licensed under the Day Nurseries Act, R.S.O. 1980, c. 111, provided that the provincial licence is in force and effect on the date of the passing of By-law No. 90- .

4. **"AA" DISTRICT - AGRICULTURAL**

Section 7A(1)(a) of By-law No. 6593 is amended by deleting the word "and", replacing it with a comma and adding thereto after the numerals (iia) the phrase "and (iiia)".

5. **"B" DISTRICT - SUBURBAN AGRICULTURE AND RESIDENTIAL, ETC.**

Section 8.(1) of By-law No. 6593 is amended by adding thereto the following subsection:

"(iiia) A day nursery, provided that:

(a) Subject to subsection (b), every such day nursery,

(i) shall accommodate not more than 25 children, and

(ii) shall be situated on a lot having a minimum radial separation of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a day nursery.

(b) Subsection (a) shall not apply to a day nursery located within a school, church, community centre, or other public building."

6. **"C" DISTRICT - URBAN PROTECTED RESIDENTIAL, ETC.**

Section 9.(1)(iii) of By-law No. 6593 is repealed, and the following substituted therefor:

"(iii) A day nursery, provided that:

(a) Subject to subsection (b), every such day nursery,

(i) shall accommodate not more than 25 children, and

(ii) shall be situated on a lot having a minimum radial separation of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a day nursery.

(b) Subsection (a) shall not apply to a day nursery located within a school, church, community centre, or other public building."

7. **"R-4" DISTRICT - SMALL LOT SINGLE-FAMILY DETACHED**

Section 9A.(1) of By-law No. 6593 is amended by adding thereto the following subsection:

INSTITUTIONAL USES:

"(aa) A day nursery, provided that:

(i) Subject to subsection (ii), every such day nursery,

(A) shall accommodate not more than 25 children, and

(B) shall be situated on a lot having a minimum radial separation of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a day nursery.

(ii) Subsection (i) shall not apply to a day nursery located within a school, church, community centre, or other public building."

8. **"D" DISTRICT - URBAN PROTECTED RESIDENTIAL, ETC.**

Section 10.(1) of By-law No. 6593 is amended by adding thereto the following subsection:

INSTITUTIONAL USES:

"(xa) A day nursery, provided that:

(i) Subject to subsection (ii), every such day nursery,

(A) shall accommodate not more than 25 children, and

(B) shall be situated on a lot having a minimum radial separation of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a day nursery.

(ii) Subsection (i) shall not apply to a day nursery located within a school, church, community centre, or other public building."

9. **"DE" DISTRICT - LOW DENSITY MULTIPLE DWELLINGS**

Section 10A(1) of By-law No. 6593 is amended by adding thereto the following subsection:

INSTITUTIONAL USES:

"(ix) A day nursery, provided that:

(i) Subject to subsection (ii), every such day nursery,

(A) shall accommodate not more than 25 children, and

(B) shall be situated on a lot having a minimum radial separation of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a day nursery.

(ii) Subsection (i) shall not apply to a day nursery located within a school, church, community centre, or other public building."

10. **"DE-2" DISTRICT - MULTIPLE DWELLINGS**

Subsection 10B(1) of By-law No. 6593 is amended by adding thereto the following subsection:

INSTITUTIONAL USES:

"(viii) A day nursery, provided that:

(i) Subject to subsection (ii), every such day nursery,

(A) shall accommodate not more than 25 children, and

(B) shall be situated on a lot having a minimum radial separation of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a day nursery.

(ii) Subsection (i) shall not apply to a day nursery located within a school, church, community centre, or other public building."

11. **"DE-3" DISTRICT - MULTIPLE DWELLINGS**

Section 10C(1) of By-law No. 6593 is amended by adding thereto the following subsection:

INSTITUTIONAL USES:

"(viii) A day nursery, provided that:

(i) Subject to subsection (ii), every such day nursery,

(A) shall accommodate not more than 25 children, and

(B) shall be situated on a lot having a minimum radial separation of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a day nursery.

(ii) Subsection (i) shall not apply to a day nursery located within a school, church, community centre, or other public building."

12. **"RT-10" DISTRICT - TOWNHOUSE**

(1) Section 10D.(2) of By-law No. 6593 is amended by adding thereto the following subsection:

"(b) Institutional uses:

1. A day nursery, provided that:

(i) Subject to subsection (ii), every such day nursery,

(A) shall accommodate not more than 25 children, and

(B) shall be situated on a lot having a minimum radial separation of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a day nursery.

(ii) Subsection (i) shall not apply to a day nursery located within a school, church, community centre, or other public building."

(2) Subsection 10D.(2)(a)4. of By-law No. 6593 is repealed.

13. **"RT-20 DISTRICT - TOWNHOUSE-MAISONETTE**

(1) Section 10E.(2) of By-law No. 6593 is amended by adding thereto the following subsection:

"(b) Institutional Uses:

1. A day nursery, provided that:

(i) Subject to subsection (ii), every such day nursery,

(A) shall accommodate not more than 25 children, and

(B) shall be situated on a lot having a minimum radial separation of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a day nursery.

(ii) Subsection (i) shall not apply to a day nursery located within a school, church, community centre, or other public building."

(2) Subsection 10E.(2)(a)4 of By-law No. 6593 is repealed.

14. **"RT-30" DISTRICT - STREET-TOWNHOUSE**

(1) Section 10F.(2) of By-law No. 6593 is amended by adding thereto the following subsection:

"(b) Institutional Uses:

1. A day nursery, provided that:

(i) Subject to subsection (ii), every such day nursery,

(A) shall accommodate not more than 25 children, and

(B) shall be situated on a lot having a minimum radial separation of 180.0 metres from the lot line to the lot line of any other lot occupied or as may be occupied by a day nursery.

(ii) Subsection (i) shall not apply to a day nursery located within a school, church, community centre, or other public building."

15. **"E" DISTRICTS - MULTIPLE DWELLINGS, ETC.**

(1) Section 11.(1) of By-law No. 6593 is amended by adding thereto the following subsection:

"(viia) A day nursery."

16. **"E-1" DISTRICT - MULTIPLE DWELLINGS, ETC.**

(1) Section 11A(1) of By-law No. 6953 is amended by adding thereto the following subsection:

"INSTITUTIONAL USES

(v) A day nursery."

17. **"E-2" DISTRICT - MULTIPLE DWELLINGS, ETC.**

(1) Section 11B(1) of By-law No. 6593 is amended by adding thereto the following subsection:

"(viia) A day nursery."

18. **"U" DISTRICT - UNIVERSITY**

Section 12A.(1) of By-law No. 6593 is amended by inserting therein the phrase "a day nursery," in the sixth line following the word "hospital,".

19. **"G" DISTRICTS - SHOPPING CENTRE**

Section 13.(1) of By-law No. 6593 is amended by adding thereto the following subsection:

"INSTITUTIONAL USES

(ib) A day nursery."

20. **"G-1" DISTRICT - DESIGNED SHOPPING CENTRE**

Section 13A.(1) of By-law No. 6593 is amended by adding thereto the following subsection, before "PUBLIC USES":

"INSTITUTIONAL USES

(ai) A day nursery;"

21. **"G-2" DISTRICT - REGIONAL SHOPPING CENTRE**

Section 13B(1) of By-law No. 6593 is amended by adding thereto the following subsection:

"(bb) A day nursery"

22. **"G-4" DISTRICT - DESIGNED NEIGHBOURHOOD SHOPPING AREA**

Section 13D(1)A. of By-law No. 6593 is amended:

(i) by inserting the numeral (i) in the first line before the word "Notwithstanding".

(ii) by adding thereto the following subsection:

"(ii) Subsection (i) shall not apply to the following use:

1. A day nursery."

23. **"H" DISTRICT - COMMUNITY SHOPPING AND COMMERCIAL, ETC.**

Section 14.(1) of By-law No. 6593 is amended by adding thereto the following subsection:

"(via) A day nursery."

24. **"HH" DISTRICT - RESTRICTED COMMUNITY SHOPPING AND COMMERCIAL**

Section 14A.(1) of By-law No. 6593 is amended by adding thereto the following subsection:

"(bb) A day nursery."

25. **"HI" DISTRICT - CIVIC CENTRE PROTECTED DISTRICTS**

Section 15A(1) of By-law No. 6593 is amended by adding thereto the following subsection:

"(iib) A day nursery."

26. **"CR" DISTRICT - COMMERCIAL-RESIDENTIAL**

(a) Section 15B(3)(a)6. is repealed.

(b) Subsection 15B.(3)(c) of By-law No. 6593 is amended by adding thereto the following clause:

"2. A day nursery."

27. (a) **"M-11" DISTRICT - PRESTIGE-INDUSTRIAL**

(i) Section 17C(1) of By-law No. 6593 is amended by adding thereto the following subsection:

"(bb) INSTITUTIONAL USES designated in Table 3 hereto annexed;"

(ii) Section 17C(2) of By-law No. 6593 is amended by adding thereto the word "INSTITUTIONAL" in the first line between the words "PUBLIC" and "COMMERCIAL".

(b) **"M-12" DISTRICT - PRESTIGE INDUSTRIAL**

(i) Section 17D(1) of By-law No. 6593 is amended by adding thereto the following subsection:

"(aa) INSTITUTIONAL USES designated in Table 3 hereto annexed;"

(ii) Section 17D(2) of By-law No. 6593 is amended by adding thereto the word "INSTITUTIONAL" in the first line between the words "PUBLIC" and "COMMERCIAL".

(c) **"M-13" DISTICT - PRESTIGE INDUSTRIAL**

(i) Section 17E(1) of By-law No. 6593 is amended by adding thereto the following subsection:

"(bb) INSTITUTIONAL USES designated in Table 3 hereto annexed;"

(ii) Section 17E(2) of By-law No 6593 is amended by adding thereto the word "INSTITUTIONAL" in the first line between the words "PUBLIC and COMMERCIAL".

(d) **"M-14" DISTRICT - PRESTIGE INDUSTRIAL**

(i) Section 17F(1) of By-law No. 6593 is amended by adding thereto the following subsection:

"(aa) INSTITUTIONAL USES designated in Table 3 hereto annexed;"

(ii) Section 17F(2) of By-law No. 6593 is amended by adding thereto the words "PUBLIC", "INSTITUTIONAL" in the first line between the words "Every" and "COMMERCIAL".

(e) **"M-15" DISTRICT - PRESTIGE INDUSTRIAL**

(i) Section 17G(1) of By-law No. 6593 is amended by adding thereto the following subsection:

"(aa) INSTITUTIONAL USES designated in Table 3 hereto annexed;"

(ii) Section 17G(2) of By-law No. 6593 is amended by adding thereto the words "PUBLIC", "INSTITUTIONAL" in the first line between the words "Every" and "COMMERCIAL".

28. (1) Table 1, referred to in Section 18A. of By-law No. 6593, is amended by adding thereto the following provision:

	Class of Use (Col. 1)	Minimum Number of Required Parking Spaces (Col. 2)
2.	(c) Day Nursery	(c) 1 space per 6 children who may be lawfully accommodated;

(2) Section 18A. of By-law No. 6593 is amended by adding thereto the following subsections:

"(38) Notwithstanding any other provision, the following shall apply to day nurseries:

A parking area containing parking space at the rate of one space for every six children who may be lawfully accommodated shall be provided and maintained accessory to the day nursery except that,

(i) notwithstanding Subsection 14, the required area for parking, manoeuvring and access in respect of the day nursery use within a residential district shall not occupy more than 50% of the gross area of the front yard, and

(ii) not less than 50% of the gross area of the front yard shall be landscaped, and

(iii) the manoeuvring space provisions of subsections 18A(9), (10) and (22) shall not apply."

"(39) Subsection 38 shall not apply to a day nursery existing on the date of the passing of By-law No. 90- and alteration extension or enlargement thereof."

29. Table 3 annexed hereto as Schedule "A" is included in and forms part of this by-law, and part of the "M-11", "M-12","M-13", "M-14" and "M-15" District provisions of By-law No. 6593.

30. In all other respects, By-law 6593 is hereby confirmed, unchanged.

31. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act, 1983.

PASSED this day of A.D. 1990.

City Clerk Mayor

(1988) 15 R.P.D.C. 5, June 28
City Initiative 88-K

SCHEDULE "A"

To

By-law No. 90-

TABLE 3 - INSTITUTIONAL USES

Identification Number	Use Not Prohibited	DISTRICT				
		M11	M12	M13	M14	M15
8641	Child Care and Nursery School Services	X	X	X	X	X

E.

FOR ACTION

REPORT TO: MRS. SUSAN K. REEDER
PLANNING AND DEVELOPMENT COMMITTEE

FROM: E. M. GILL, P. ENG.
ACTING COMMISSIONER OF ENGINEERING

DATE: August 16, 1990
COMM FILE:
DEPT FILE: S702-45

SUBJECT

Beaverton Estates, Subdivision, Hamilton

RECOMMENDATIONS

That the City of Hamilton accept the sum of $10,200.00 as cash payment in lieu of the 5% parkland dedication, in connection with Beaverton Estates, Hamilton. This being the cash requirement under Section 50 of the Planning Act.

Note:

These lands are located west of Upper Sherman Avenue and south of Stone Church Road East in the Butler Neighbourhood, Hamilton.

for E. M. GILL, P. ENG.
ACTING COMMISSIONER OF ENGINEERING

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

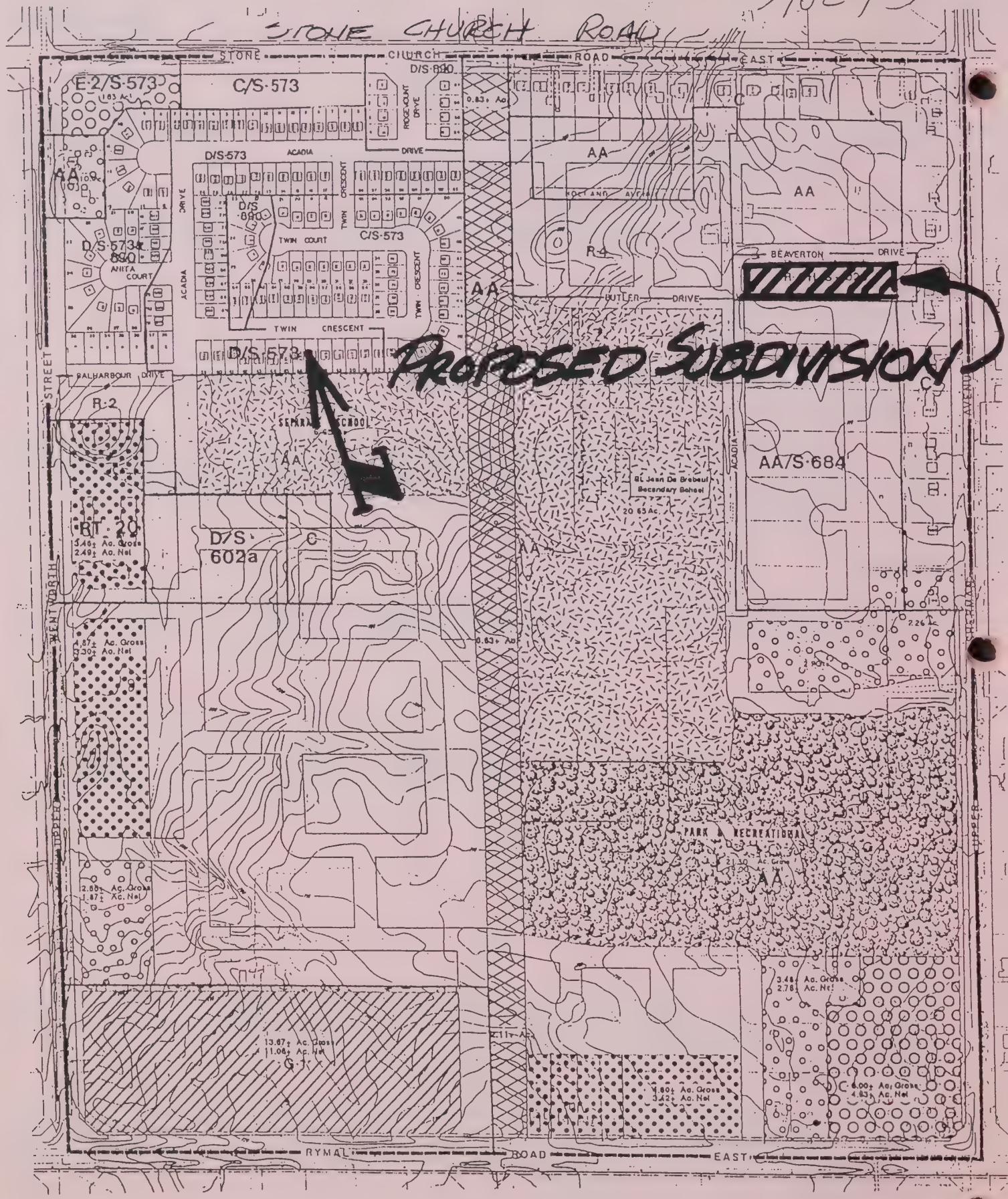
The Owner of the lands for the above referenced subdivision will be executing a subdivision agreement with the City of Hamilton in the near future. A copy of the Final Survey Plan is attached for your information.

In accordance with normal City procedure, the City and Regional Staff have completed calculations for the 5% cash payment in lieu of Parkland Dedication. The sum to be included in the subdivision agreement has been calculated at $10,200.00.

MJI:sw
Attach.

cc: D. J. Consoli, City Treasury Department

570245



"KEY PLAN" - BEAVERTON ESTATES

Beaverton Estates

BEING A SUBDIVISION OF
PART OF LOT 9 · CONCESSION 8
IN THE GEOGRAPHIC
TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE 1 : 400

5 0 5 10 20 30 40 METRES

MACKAY, MACKAY & PETERS LIMITED
1990

METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTE
ALL MONUMENTS SHOWN ON THIS PLAN ARE IRON BARS UNLESS OTHERWISE NOTED.

LEGEND
BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WESTERN LIMIT OF UPPER SHERMAN AVENUE AND SHOWN ON PLAN 62R-8985 AS HAVING A COURSE OF N 18° 28' E.

- O DENOTES A PLANTED MONUMENT
- ● DENOTES A FOUND MONUMENT
- I B DENOTES AN IRON BAR
- S I B. DENOTES A STANDARD IRON BAR
- ø DENOTES A ROUND MONUMENT
- C M DENOTES A CONCRETE MONUMENT
- PLAN DENOTES PLAN 62R-

APPROVED UNDER SECTION 50 OF THE PLANNING ACT BY THE COMMISSIONER OF PLANNING AND DEVELOPMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH THIS ..... DAY OF .....

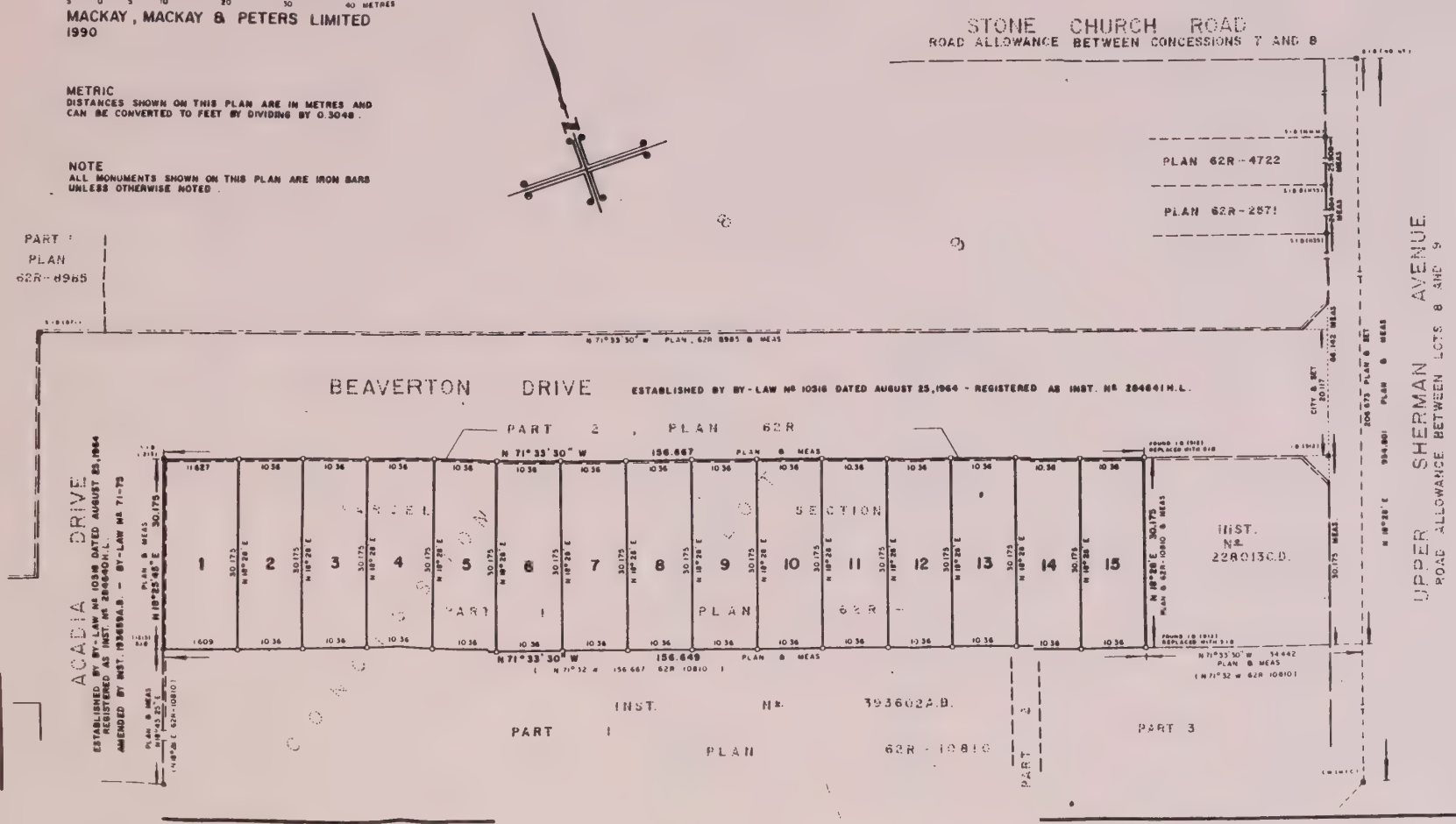
COMMISSIONER OF PLANNING AND DEVELOPMENT
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
AUTHORIZED BY BY-LAW Nº 859-171

PLAN 62M - .....

I CERTIFY THAT THIS PLAN ..... IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF WENTWORTH AT ..... O'CLOCK ON THE ..... DAY OF ..... AND ENTERED IN THE REGISTER FOR PARCEL ..... SECTION ..... AND REQUIRED CONSENTS AND AFFIDAVITS ARE REGISTERED AS PLAN DOCUMENT Nº .....

LAND REGISTRAR FOR THE LAND TITLES DIVISION OF WENTWORTH (Nº 62)

THIS PLAN COMPRISES :



SURVEYOR'S CERTIFICATE
I CERTIFY THAT :
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER
2. THE SURVEY WAS COMPLETED ON THE DAY OF

HAMILTON ONTARIO

OWNER'S CERTIFICATE
THIS IS TO CERTIFY THAT :
1. LOTS 1 TO 15, BOTH INCLUSIVE, HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS

DATED THIS ..... DAY OF .....

SALCI DEVELOPMENTS INC.

MACKAY, MACKAY & PETERS LIMITED
ONTARIO LAND SURVEYORS
(ESTABLISHED 1900)
SUITE 608 UNION GAS BUILDING
20 HUGHSON STREET SOUTH
HAMILTON ONTARIO L8N 2A1
TELEPHONE (416) 526-7471
TELECOPIER (416) 526-0787

DRAWN BY L.R.L.	PARTY CHIEF	PROJECT Nº 90-1085-2(H)

K.E
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

TEL: 546-2700
FAX: 546-2095

August 15, 1990

NOTICE OF SPECIAL JOINT MEETING

Planning and Development Committee
and
Transport and Environment Committee

Wednesday, August 22, 1990
9:00 o'clock a.m.
Room 233, City Hall

Susan K. Reeder

Susan K. Reeder, Secretary
Planning and Development Committee

Tina Agnello, Secretary
Transport and Environment Committee

All Members of City Council are invited to attend this Joint Meeting.

AGENDA

1. Correspondence referred by City Council -
   Hamilton Harbour Commissioners - Windermere Basin

   NOTE: Mr. Ian Binnie, the City's legal counsel on harbour matters, will be in attendance to speak to the Committee members.

2. Adjournment

Corporation of the City of Hamilton

Memorandum

****

TO: Ms. T. Agnello, Secretary
Transport and Environment Committee

✓ Mrs. S. Reeder, Secretary
Planning and Development Committee

YOUR FILE:

FROM: Mr. K. E. Avery
City Clerk

PHONE: 546-4587

SUBJECT: **HAMILTON HARBOUR COMMISSIONERS - WINDERMERE BASIN**

DATE: 1990 August 1

AUG 7 1990

Attached for your information and appropriate action is a copy of a letter from the Hamilton Harbour Commissioners dated 1990 July 27 dealing with the current status of the Windermere Basin environmental clean-up project which was presented to City Council at its meeting held 1990 July 31.

Following deliberations, City Council directed that the letter from the Hamilton Harbour Commissioners be referred to the Transport and Environment Committee and the Planning and Devlopment Committee for consideration at a joint meeting of both committees.

att.

c.c.: Alderman H. Merling, Chairman, Transport and Environment Committee
Alderman J. Smith, Chairman, Planning and Development Committee
Mr. L. Sage, Chief Administrative Officer
Mr. E. C. Matthews, City Treasurer
Mr. A. Georgieff, Director of Local Planning
Mr. C. G. Furry, Secretary, Hamilton Harbour Commissioners
605 James Street North, Hamilton, Ontario L8L 1K1

605 James St. N.
Hamilton, Ontario, Canada
L8L 1K1

Hamilton 525-4330
Toronto 1-800-263-2131
Telex 061-8638

Fax Numbers
Administration 528-6282
Terminal 525-7258

The Hamilton Harbour Commissioners

July 27, 1990

Mr. K. E. Avery,
City Clerk,
Corporation of the City of Hamilton,
71 Main Street West,
Hamilton, Ontario

Dear Mr. Avery,

This letter is to inform the Council that the Hamilton Harbour Commissioners, at its last meeting, reviewed in detail the current status of the Windermere Basin environmental clean-up project, which is now nearing completion.

Of particular concern to the Commissioners during this review was the position expressed in the attached letter on behalf of the Regional Municipality and the City of Hamilton that neither party can provide additional funding needed to permit completion of this important project.

In this regard and on behalf of the Commissioners, they have asked that I clarify the position of the Hamilton Harbour Commissioners and inform the Councils of the City of Hamilton and the Regional Municipality of Hamilton Wentworth that the Windermere Basin clean-up project has advanced as far as possible under the original funding arrangements. Steps are now to be taken to terminate this incompleted clean-up project and provide a final financial accounting for distribution to each of the project funding partners.

By way of an explanation of the Commissioners' position, the following background information is provided.

In May of 1988 the City of Hamilton and the Regional Municipality of Hamilton Wentworth entered into an agreement with the Hamilton Harbour Commissioners, the Province of Ontario and the Government of Canada respecting the clean-up of Windermere Basin.

It was the spirit and intent of the agreement to carry out to full completion a project to clean up the extreme siltation conditions existing in the Windermere Basin area of the Harbour. In addition, the agreement was founded on the strength of commitment and the co-operative efforts of the parties in the interest of restoring Windermere Basin.

....2/

Under the terms of the agreement, each of the parties thereto agree to contribute to the financing of this environmental improvement in a proportionate manner, as prescribed therein, and that a total budget of $4.5 million dollars be established to finance the project construction work.

It was also agreed that the Hamilton Harbour Commissioners will act on behalf of the parties to the agreement as project managers for the undertaking and co-ordination of the project work.

In January of this year, the Commissioners in its capacity as project manager, advised all of the parties to the agreement that because of construction problems, extra work and cost overruns, additional funds in the total amount of $732,000 are required to finance completion of the work in accordance with the environmental approval received for the project under the environmental assessment review process.

To keep the project moving forward, the Commissioners have contributed $163,066 of the total additional funds needed to complete the necessary work. A request was made that the unfunded cost deficiency be shared by the remaining parties to the agreement and apportioned in the same manner as their original funding contributions were apportioned. In this regard, a summary of the apportionment of the funding deficiency is as follows.

Additional Project funding required		$732,000.00
Shared proportionately by funding parties, as follows -		
<u>Contributions made by</u>:		
Hamilton Harbour Commissioners, contributed January 16, 1990	$163,066.13	
Province of Ontario, contributed April 5, 1990	$177,791.83	$340,857.96
Unfunded remainder:		$391,142.04
<u>Outstanding contribution portions payable by</u>:		
City of Hamilton	$106,675.10	
Regional Municipality of Hamilton Wentworth	$106,675.10	
Government of Canada	$177,791.83	
		$391,142.03

The Commissioners have received a positive response from the Province of Ontario to provide its share of the additional funds needed to complete this clean-up project. The Government of Canada has also indicated its willingness to see the project successfully completed.

In addition to the foregoing, the Commissioners are also concerned about the position expressed in the attached letter as to the question of land use planning taking precedent over the prior commitment of the Region and the City to see the necessary Windermere Basin restoration work fully completed.

The Commissioners do not agree that the land use matter is of such importance as to impede the completion of the project. From the beginning, it has always been understood that any land use issues would be considered independent and separate from the physical project construction work. The lands in question are owned by and belong to the Hamilton Harbour Commissioners and are to be utilized for purposes suitable to them. However, what land use will ultimately appear in the official plans for the planning areas for both the City of Hamilton and the Regional Municipality of Hamilton Wentworth requires further discussion and detail study.

The main objective at this time is not to argue land use but to get this important environmental project completed and to raise the additional funding to do so.

In all of these circumstances and before formal steps are taken to wind up the Windermere Basin clean-up project, it would be appreciated by the Commissioners that the City of Hamilton and the Hamilton Wentworth Regional Councils reconsider, as soon as possible, their positions as to providing their share of the additional funding needed to complete this important environmental project. If this additional funding is not committed by September 1st, 1990, the Commissioners intend to resign as project manager and to take the necessary action to see that the financing trust fund for the project is wound up.

The Commissioners will be awaiting an early reply as time is now of the essence in determining if the project is to proceed or is to be discontinued. Would you be good enough to see that this matter is brought to the attention of the members of council.

Yours very truly,

THE HAMILTON HARBOUR COMMISSIONERS

per

C. G. FURRY
SECRETARY

c.c. His Worship Mayor R. Morrow

Alderman H. Merling,
Chairman,
Transportation and Environment Committee,
City of Hamilton.

Alderman John Smith,
Chairman,
Planning and Development Committee,
City of Hamilton.

WP.064

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4

Tel. (416) 546-4170
Fax (416) 526-6665

THE HAMILTON HARBOUR COMMISSIONERS
RECEIVED
APR 20 1990
FILE No.
LTR. No. 1145

Refer to File No. 823-55
Attention of 671-01
Your file No P. Campea

April 19, 1990

The Hamilton Harbour Commissioners
605 James Street North
Hamilton, Ontario
L8L 1K1

R. A. Edwards, P. Eng.

Additional Funding required for completion of the Windemere Basin clean up.

Your request for additional funding to complete the project was presented to the Region's Engineering Services Committee and the City of Hamilton's Transport and Environment Committee. Both Committees recommended that the reports be tabled until the question of the land use for the reclaimed property has been cleared up. Until such time the Region and the City of Hamilton can not supply the required funding to finish the project.

If you have any further questions please call Mr. Pat Campea at 546-4139.

P. Campea

PC:ju

note file with
Notice of special Joint Meeting
Weds., Aug. 22/90, 9:00 a.m.

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

****

TO: Alderman J. Smith, Chairman
and Members
Planning and Development Committee

Alderman H. Merling, Chairman
and Members
Transport and Environment Committee

YOUR FILE:

FROM: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

Miss Tina Agnello, Secretary
Transport and Environment Committee

OUR FILE:
PHONE:

SUBJECT: **Windermere Basin Rehabilitation Project**

DATE: 1990 August 16

Special Joint Meeting Aug. 22/90 9:00 a.m.

For the information of the members of the Planning and Development Committee and the Transport and Environment Committee, attached herewith are the following documents;

(a) Information Report - Acting Commissioner of Engineering dated 1990 August.

(b) Report - Commissioner of Planning and Development dated 1990 August 15.

(Note: Attached as Appendix "I" is the report of the Commissioner of Planning and Development dated 1990 May 30, which was tabled by the Planning and Development Committee at its 1990 June 20 meeting.)

(c) Information Report - City Solicitor dated 1990 July 10, respecting Windermere Basin, presented to the Planning and Development Committee advising that Mr. Binnie is available to speak at the 1990 August 22 meeting of Planning and Development and Transport and Environment.

(d) Report - Commissioner of Engineering dated 1988 March 22, respecting the Windermere Basin Rehabilitation Project Funding Agreement presented to the Transport and Environment Committee at its meeting in 1988 April.

(Note: Attached to the staff report is a copy of the Agreement between the Hamilton Harbour Commissioners, the Corporation of the City of Hamilton, the Regional Municipality of Hamilton-Wentworth, the Government of the Province of Ontario, and the Government of Canada respecting the Windermere Basin Rehabilitation Project.

(e) Compilation of City Council resolutions respecting Windermere Basin.

(f) Report - Acting Commissioner of Engineering dated 1990 March 2, recommending cost sharing of the increased cost of the Windermere Rehabilitation Project.

(Note: This report was tabled by the Transport and Environment Committee at its meeting held 1990 March 5, pending the agreement between the City of Hamilton and the Hamilton Harbour Commission of a process to be followed to determine ownership and use of the newly created lots).

(g) Extracts from the City's Official Plan pertaining to Windermere Basin.

(Note: Attached is the old Official Plan Amendment #318 - Harbour Official Plan).

Attch's.

(a.)

FOR INFORMATION

REPORT TO: T. AGNELLO, SECRETARY
TRANSPORT AND ENVIRONMENT COMMITTEE

FROM: E.M. GILL, P.ENG.
ACTING COMMISSIONER OF ENGINEERING

DATE: August 16, 1990
COMM FILE:
DEPT FILE: 823-55
G71-01

SUBJECT: **WINDERMERE BASIN REHABILITATION PROJECT**

BACKGROUND:

The Windermere Basin Technical Advisory Committee was established to investigate the disposition of contaminated sediments within the Windermere Basin.

The Committee was to consider:

a) do nothing
b) complete dredging
c) partial dredging
d) raising water levels by damming construction
e) create marsh
f) channelizing and filling

After due consideration and investigation the Committee recommended to the various interested parties that partial dredging be carried out with the dredged material being deposited in dyked-in areas within the Windermere Basin.

After in-filling of the newly created lands, the dredged material is to be capped with a minimum of .6m of clean fill material from various construction sites throughout the Region.

Council at its meeting of April 26, 1988 authorized the funding agreement with respect to the Windermere Basin Rehabilitation Project and authorized partial payment of the City Share of $500,000.00.

Continued ...

WINDERMERE BASIN REHABILITATION PROJECT

Continued ...

Included as part of the agreement, the Hamilton Harbour Commissioners were appointed project managers to have the project designed, tendered and to supervise construction of the Windermere Basin clean-up. As the Technical Advisory Committee had met its mandate at this time, control of the project was in the hands of the Hamilton Harbour Commissioners.

A Project Committee was then formed by partners of the Funding Agreement to oversee the project.

The Hamilton Harbour Commissioners provided progress reports to the Commissioner of Engineering over the course of the work and the Commissioner verbally reported to the Transport and Environment Committee.

The Planning Department has prepared a report to your Committee recommending that the Windermere Basin Technical Advisory Committee reconvene to consider land-use issues of the newly created lands within the Windermere Basin.

for E.M. Gill, P. Eng.
Acting Commissioner of Engineering

TRE:tlj

(b-)

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: 1990 August 15
COMM.FILE:
DEPT.FILE: P5-9-2-30

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Windermere Basin Land Use Disposition - Supplementary Report to May 30, 1990 Report

RECOMMENDATION

1) That the Planning and Development Committee not approve the Recommendations regarding Windermere Basin Land Use Disposition in the May 30, 1990 report:

2) That the Planning and Development Committee recommend to Council that:

   a) the Windermere Basin Technical Advisory Committee (W.B.T.A.C.) be reconvened with a new mandate to determine land use of the newly created lands in Windermere Basin. Representation on the Committee, in addition to the original members, is to include the Planning and Development Department and the City's Public Works Department (Parks Division);

   b) under the direction of W.B.T.A.C., planning staff be directed to undertake a study to determine the future use of Windermere Basin. This study is to address, amongst things:

      - urban design issues emphasizing gateway treatments, views from the skyway, aesthetics, and others;
      - suitability for development, i.e. whether the newly created land is suitable for development (buildings/structures) and, if so to what degree;
      - land use disposition and compatibility with adjacent lands;
      - agencies' concerns; and,
      - other matters as may be identified by this Committee.

c) W.B.T.A.C. is to review, refine and detail the items noted in (a) above.

A. L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

EXPLANATORY NOTE

The Planning and Development Committee requested staff to prepare a brief outline on the means to determine future use of the land created at Windermere Basin. Subsequently, the Committee raised a number of other concerns on this issue.

BACKGROUND

The Committee, at its meeting of June 20, 1990, tabled a report dated May 30, 1990 (see Appendix I) Windermere Basin Land Use Disposition "to the next meeting, in order that Mr. Ian Binnie, the City Solicitor with respect to Harbour matters be invited to attend the Committee meeting."

On July 25, 1990, the Committee considered an Information report (see Appendix II) from the City Solicitor advising that "Mr. I. Binnie . . . is on vacation until August 14 and is therefore unavailable for the Committee's July meeting. Mr. Binnie's office advises that he can appear before the August 22, 1990 Planning and Development Committee." In addition, the Committee requested Planning staff to report back on further planning information on the Special Policy Area in the Official Plan.

City Council, at its meeting of July 31, 1990, considered a letter dated July 27, 1990, from the Hamilton Harbour Commissioners (see Appendix III) dealing with the current status of the Windermere Basin environmental clean-up project. The City Clerk advised the Secretaries of the Transport and Environment, and the Planning and Development Committees that "Following deliberations, City Council directed that the letter from the Hamilton Harbour Commissioners be referred to the Transport and Environment Committee and the Planning and Development Committee for consideration at a joint meeting of both committees."

REPORT

Further to the report of May 30, 1990, there is further planning information that should be brought to the Committee's attention.

a) Official Plan

The Committee requested staff to report back on further planning background on the Special Policy Area designation for Windermere Basin in the Official Plan. This designation was based on a similar designation in Amendment #318 (Harbour Official Plan) to the City's previous Official Plan. This Amendment was superseded by the Minister's approval of the City's new Official Plan in 1982.

b) Zoning

Windermere Basin is zoned "L-s" (Planned Development - Special Study Area) District by By-laws 83-232 and 83-240, passed by Council on July 27, 1983. The by-law defines ""Special Study Area" use means no building or structure shall be erected nor shall any land be used except in accordance with....the findings of a Special Waterfront Study..." Both by-laws were appealed by the Hamilton Harbour Commissioners, and are currently before the Ontario Municipal Board.

c) Ownership

The information regarding ownership of Windermere Basin in the May 30, 1990 report was based on current assessment data and a discussion with a representative of Stelco. Further information with respect to ownership will be dealt with by Mr. Binnie.

d) Land Use Determination

The Committee previously expressed concern that the proposed working committee had insufficient representation from those with the technical expertise to deal with the question of whether the land can physically accommodate development and use (buildings/structures), given its composition of contaminated wastes. It is therefore suggested that instead of setting up a separate working committee, the Windermere Basin Technical Advisory Committee (W.B.T.A.C.) be reconvened with a new mandate to determine the land use on the newly created lands. Further, and in accordance with the June, 1986, Council resolution, a representative of the Planning and Development Department be added to W.B.T.A.C. In addition, it would be appropriate to include a representative from the City's Public Works Department (Parks Division), to provide input on parks, design and aesthetics.

In discussions with Mr. Binnie, he agreed that the reconvening of W.B.T.A.C. with a new mandate to determine land use was an appropriate course of action. He noted that W.B.T.A.C. represented all contributing partners to the clean-up of Windermere Basin and ensured a continued interest in the determination of the land use of the newly created land.

As noted in the May 30, 1990 report, the study should be undertaken by the Planning and Development Department with input sought from, amongst others: the Hamilton Naturalist Club, the Remedial Action Plan Stakeholders, and Stelco.

e) Transport and Environment Committee

The previous report included a recommendation to advise the Transport and Environment Committee of this Committee's decision to direct staff to undertake a study on land use determination of Windermere Basin. This recommendation is unnecessary given Council's direction to convene a joint meeting of the two Committee's to deal with the Harbour Commissioners recent letter on the clean-up project, and it therefore should be deleted.

CONCLUSION

The report of May 30, 1990 recommended a process to be followed in determining an ultimate land use for Windermere Basin. This included identifying specific issues to be addressed, and the composition of a working committee to be struck to oversee the study. Based on the foregoing, it is appropriate not to approve the recommendation in the May 30, 1990, report and instead, recommend to Council that the Windermere Basin Technical Advisory Committee be reconvened with a new mandate to determine land use of Windermere Basin. Representation on this Committee is to include the Planning and Development Department and the City's Public Works Department (Parks Division).

As noted above, the recommendation to advise the Transport and Environment Committee of this Committee's direction to undertake a land use study for Windermere Basin should be deleted.

CF:ns/dkp/cs

A:\WINDER.BAS

FOR ACTION

REPORT TO:	SUSAN REEDER, SECRETARY PLANNING AND DEVELOPMENT COMMITTEE	DATE: COMM.FILE:	MAY 30, 1990 Revised
FROM:	J. D. THOMS, COMMISSIONER PLANNING AND DEVELOPMENT DEPARTMENT	DEPT.FILE:	P5-9-2-30

SUBJECT

Windermere Basin Land Use Disposition.

RECOMMENDATION

1. That the Planning and Development Committee direct staff to:

   a) establish a working committee to undertake a study to determine the future use of the land recently created in Windermere Basin. This working committee should include representation from the following:

      - Planning and Development Department;
      - Engineering Department;
      - Hamilton Region Conservation Authority;
      - Hamilton Harbour Commissioners;
      - Stelco; and,
      - Health Department.

   b) to ensure that specific areas to be explored by this study include:

      - urban design considerations with emphasis on gateway treatments, views from the skyway, aesthetics, and others;
      - suitability for development (soil stability, etc.);

- land owners' intentions;
- land use compatibility; and,
- other agencies' concerns.

c) ensure the working committee reviews and refines these terms of reference if necessary.

2. That the Transport and Environment Committee be advised of the Planning and Development Committee's direction to staff to undertake a study to determine the future use of Windermere Basin as detailed in the attached report.

A. L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

EXPLANATORY NOTE

The Planning and Development Committee requested staff to prepare a brief outline on the means to determine the future use of the land created at Windermere Basin. Since the Transport and Advisory Committee tabled a report on Windermere Basin because of the land use issue, amongst others, then they should be aware of a direction of the Planning and Development Committee to do a study on land use in Windermere Basin.

BACKGROUND

The City of Hamilton Official Plan identifies the Windermere Basin in the East Harbour as a Special Policy Area on Schedule "A" (Land Use Concept) and Schedule "B" (Special Policy Areas). Further, Policy A.2.9.3.2 states that Windermere Basin:

> "... is established as an area subject to detailed special study by the appropriate agencies and water lot owners concerned in order to determine the most appropriate use of the Basin in the Official Plan. Council will, upon review of the findings and recommendations of such studies as may be carried out, consider an appropriate designation and initiate an amendment to this Plan."

In May, 1986, Hamilton-Wentworth Council endorsed a report of the Engineering Services Committee recommending a program to partially dredge and fill, be adopted as the preferred solution for the clean-up of the Basin.

Prior to the clean-up, the Hamilton Harbour Commissioners owned the waterlots to the north adjacent to Pier 25 and Stelco owned the waterlot to the south adjacent to their land holdings. To facilitate the clean-up, Stelco sold their waterlots to the Harbour Commissioners with an option to buy back the land area created from their former waterlots.

A recent report to the Transport and Advisory Committee advises that actual work on the clean-up commenced in November 1988, and continued to February 1990. Yet to be completed is the landscaping, vegetation, tree planting and construction of rip-rap walls to prevent erosion of the berms. This work is expected to be completed during 1990 and 1991. This same report recommended the City provide further funding towards the increased costs of the clean-up. At their March 5, 1990 meeting, the Transport and Environment Committee tabled this request "until such time as the process to ownership and use of the newly created lots has been agreed to". In February, the Region's Engineering Services Committee tabled a similar item.

The Planning and Development Committee, at their meeting of May 2, 1990, expressed a concern regarding the future land use of Windermere Basin in light of other Harbour-related matters. As a result of that discussion, the Committee requested staff to:

- prepare a "one page sketch" on the means to determine the future land use of the Basin; and,
- a list of the membership of the Windermere Basin Technical Advisory Committee also be prepared.

Land Use Determination

Given that:

- the City's Official Plan sets the stage to undertake a "detailed special study by the appropriate agencies and water lot owners concerned...to determine the most appropriate use of the Basin in the Official Plan...";
- the actual clean-up of the Basin is nearing completion except for landscaping, etc.;
- the Committee's recent concern about the future use of the Basin; and,
- the importance of the area as a City gateway.

A preliminary framework to undertake a study for the future use of Windermere Basin has been drafted for your consideration.

The Official Plan specifies that the study be undertaken by the "appropriate agencies and water lot owners". On this basis, it is appropriate to first establish a working committee with suggested representation from the following:

- Planning and Development Department;
- Engineering Department;
- Hamilton Region Conservation Authority;
- Hamilton Harbour Commissioners;
- Stelco; and,
- Health Department.

Input should also be sought from: the Ministry of Environment, the Hamilton Naturalist Club, and the Remedial Action Plan Team, amongst others, throughout the study.

This committee should focus on developing options for the future land use of Windermere Basin. Specific areas which should be explored include:

- urban design considerations with particular emphasis on gateway treatments, views from the skyway, aesthetics, and others;
- suitability for development i.e., soil stability;
- the land owners' intentions for the land;
- land use compatibility with adjacent lands; and,
- other member agencies' concerns.

Other considerations may be identified after the Committee has met.

The working committee should initially refine and detail these areas of exploration. In addition, they will monitor and provide input into the actual study, which will be undertaken by the Planning and Development Department. Once some land use options have been identified, they should be brought forward to the Planning and Development Committee for direction to hold a Public Meeting. The Public Meeting will offer public comment on the options which could be further refined.

Final recommendations will then be made to Committee and Council on the necessary amendments to the Official Plan and zoning by-law.

It is estimated this study could take 70 consecutive days to complete, or approximately three-quarters of a year of elapsed time. The project could begin in October, 1990, and the final recommendations could be made to Committee in June, 1991.

Windermere Basin Technical Advisory Committee

The Windermere Basin Technical Advisory Committee (W.B.T.A.C.) was established in 1984 for the purpose of assisting the Ministry of Environment in seeking a solution to remove contaminated sediment from the Basin. As of December, 1985, the Committee included the following:

- Hamilton-Wentworth Region - Engineering Department - K. Brenner and S. Spencer;
- City of Hamilton (Laboratories) - V. Forde;
- Hamilton Harbour Commissioners - B. Hennessey;
- Hamilton Region Conservation Authority - B. Vanderbrug;
- Ministry of Environment - S. Irwin, J. Mayer, R. Stuart; and,
- Environment Canada - I. Orchard.

In June, 1986, City Council endorsed a resolution "That a representative with the appropriate planning expertise be added to the membership of the Windermere Basin Technical Advisory Committee . . ." Recent discussions with the Engineering Department indicate that once the decision on the means of clean-up of the Basin and the proponent had been made, W.B.T.A.C. became inactive. There is no indication in the Planning Department's files that a member of staff ever attended a W.B.T.A.C. meeting.

CONCLUSION

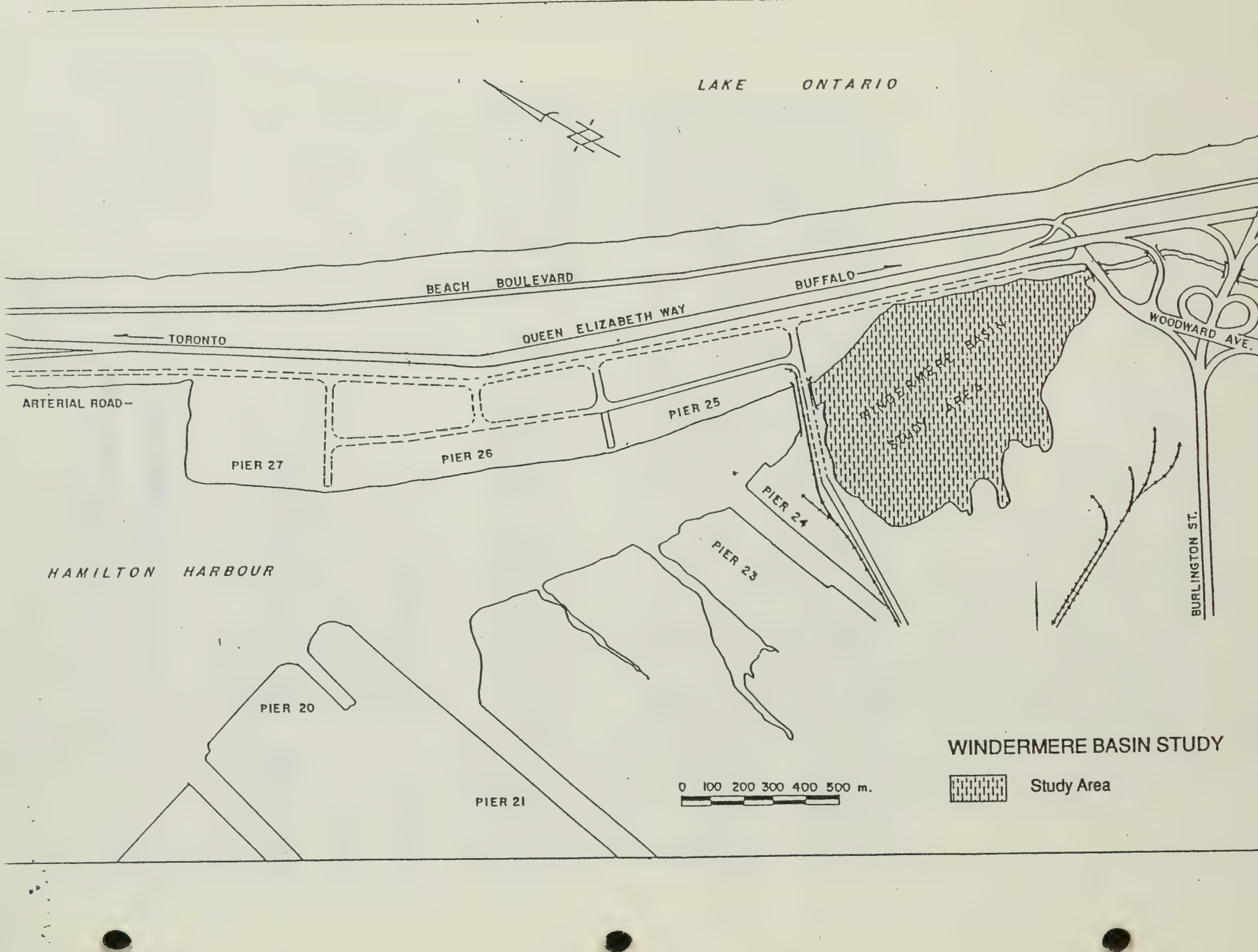
Based on the foregoing, it seems appropriate to establish a working committee comprised of a representative from: the Planning and Development Department; the Region's Engineering Department; the Hamilton Region Conservation Authority; the Hamilton Harbour Commissioners; Stelco and the Health Department to undertake a study to determine the future use of Windermere Basin. Specific areas this committee should explore include:

- urban design considerations with emphasis on gateway treatments, views from the skyway, aesthetics, etc.;
- suitability for development (soil stability, etc.);

- land owners' intentions;
- land use compatibility; and,
- other agencies' concerns.

Further, since the Transport and Environment Committee has recently tabled a request for additional funding for the clean-up, partially on the basis of land use (as noted previously), then that Committee should be advised of the Planning and Development Committee's direction to undertake a study to determine the future use of the Windermere Basin. The Transport and Environment Committee may then wish to make a decision on the funding for the clean-up on this basis.

CF:CS/ns
Winder.Bas


LAKE ONTARIO
BEACH BOULEVARD
BUFFALO
QUEEN ELIZABETH WAY
TORONTO
ARTERIAL ROAD
WOODWARD AVE.
WINDERMERE BASIN
STUDY AREA
PIER 27
PIER 26
PIER 25
PIER 24
PIER 23
PIER 20
PIER 21
HAMILTON HARBOUR
BURLINGTON ST.
0 100 200 300 400 500 m.
WINDERMERE BASIN STUDY
Study Area

July 25, 1990

APPENDIX II

CITY OF HAMILTON

PS-9-2-30

- INFORMATION -

DATE: 1990 July 10

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: P. Noé Johnson
City Solicitor

SUBJECT: **Windermere Basin**

BACKGROUND:

The Planning and Development Committee at its meeting June 20, 1990, TABLED the Planning Report on Windermere Basin Technical Advisory Committee with instructions that Mr. I. Binnie, outside counsel for the City of Hamilton on Harbour matters, advise the Committee on the City's position vis à vis Windermere Basin land use and ownership.

DISCUSSION:

Mr.I. Binnie, McCarthy Tétrault , is on vacation until August 14th and is therefore unavailable for the Committee's July meeting. Mr. Binnie's office advises that he can appear before the August 22, 1990 Planning and Development Committee. Due to the overlapping jurisdiction over Harbour matters between the Planning and Development and the Transport and Environment Committees, it is the suggestion of staff that Transport and Environment Committee be invited to jointly hold the **in camera** session with Mr. Binnie.

In addition, attached please find a copy of a status report on the Windermere Basin rehabilitation prepared by Regional Engineering Department for the the information of the Regional Engineering Services Committee. Although a joint report is referred to, in consultation with Mr. L. Sage CAO, Mr. Binnie has been copied on all pertinent background information and will be addressing the issues as requested by Committee.

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4

Tel. (416) 546-4170
Fax (416) 526-6665

Refer to File No.
823-55
Attention of
T.R. Engelbrecht
Your file No.

June 28, 1990

Mr. Chairman and Members
Engineering Services Committee

RE: WINDERMERE BASIN REHABILITATION PROJECT

Members of the Committee:

ORIGIN

At the Engineering Services Committee of June 11, 1990, the Regional Chairman requested an update on the Windermere Basin Project.

ANALYSIS

With the exception of the landscaping, vegetation, tree planting and construction of rip-rap walls to prevent erosion, the major portion of the project has been completed.

Cost overruns totalling $731,803.23, on the estimated $4,500,000 project cost, have been reported to the Engineering Services Committee and the Transportation and Environment Committee recommending payment of the increased costs in the amount of $107,000 for each of the Region and the City.

This matter was referred back to the Engineering Services Committee by Council at its meeting of March 6, 1990.

A report also dealing with this matter was tabled at the City of Hamilton Transportation and Environment Committee at its meeting March 5, 1990.

The above reports were referred back and tabled pending resolutions of the following questions:

a) Ownership of the newly created lands within the Basin; and

b) Land use of the newly created lands.

A joint report from Engineering, Planning and the City Solicitor's Department is being prepared for the City of Hamilton's Planning and Development Committee and Transport and Environment Committee meetings of July 25, 1990 and July 23, 1990, respectively, which will deal with the ownership of the newly created lands and future land use issues.

Continued ...

Continued ...

June 26, 1990

RE: WINDEMERE BASIN REHABILITATION PROJECT

The initial understanding which was agreed to by all of the funding partners was that the Windemere Basin Rehabilitation Project should proceed notwithstanding that issues related to land use and land ownership still had to be dealt with by the appropriate parties. As the funding would be used primarily to prevent erosion and to landscape the already constructed works, it is suggested that completion of the project is technically appropriate at this time.

RECOMMENDATION

That this report be received for information.

E. M. Gill, P. Eng.
Acting Commissioner of Engineering

TRE:dcf
Attachments

APPENDIX III

PLANNING & DEVELOPMENT
LOCAL PLANNING BRANCH
File No. Received AUG 02 1990

TO	STAFF INIT.	INFO.	ACT.
DIR.			
P.R.B.A.			
NEIGH.			
DEV.			
E.A.U.D.			
T A F			
CART.			
ADMIN.			

Corporation of the City of Hamilton

Memorandum

****

TO: Ms. T. Agnello, Secretary
Transport and Environment Committee

Mrs. S. Reeder, Secretary
Planning and Development Committee

YOUR FILE:

FROM: Mr. K. E. Avery
City Clerk

PHONE: 546-4587

SUBJECT: HAMILTON HARBOUR COMMISSIONERS
- WINDERMERE BASIN

DATE: 1990 August 1

Attached for your information and appropriate action is a copy of a letter from the Hamilton Harbour Commissioners dated 1990 July 27 dealing with the current status of the Windermere Basin environmental clean-up project which was presented to City Council at its meeting held 1990 July 31.

Following deliberations, City Council directed that the letter from the Hamilton Harbour Commissioners be referred to the Transport and Environment Committee and the Planning and Devlopment Committee for consideration at a joint meeting of both committees.

att.

c.c.: Alderman H. Merling, Chairman, Transport and Environment Committee
Alderman J. Smith, Chairman, Planning and Development Committee
Mr. L. Sage, Chief Administrative Officer
Mr. E. C. Matthews, City Treasurer
Mr. A. Georgieff, Director of Local Planning
Mr. C. G. Furry, Secretary, Hamilton Harbour Commissioners
605 James Street North, Hamilton, Ontario L8L 1K1

605 James St. N.
Hamilton, Ontario, Canada
L8L 1K1

Hamilton 525-4330
Toronto 1-800-263-2131
Telex 061-8638

Fax Numbers
Administration 528-6282
Terminal 525-7258

The Hamilton Harbour Commissioners

July 27, 1990

Mr. K. E. Avery,
City Clerk,
Corporation of the City of Hamilton,
71 Main Street West,
Hamilton, Ontario

Dear Mr. Avery,

This letter is to inform the Council that the Hamilton Harbour Commissioners, at its last meeting, reviewed in detail the current status of the Windermere Basin environmental clean-up project, which is now nearing completion.

Of particular concern to the Commissioners during this review was the position expressed in the attached letter on behalf of the Regional Municipality and the City of Hamilton that neither party can provide additional funding needed to permit completion of this important project.

In this regard and on behalf of the Commissioners, they have asked that I clarify the position of the Hamilton Harbour Commissioners and inform the Councils of the City of Hamilton and the Regional Municipality of Hamilton Wentworth that the Windermere Basin clean-up project has advanced as far as possible under the original funding arrangements. Steps are now to be taken to terminate this incompleted clean-up project and provide a final financial accounting for distribution to each of the project funding partners.

By way of an explanation of the Commissioners' position, the following background information is provided.

In May of 1988 the City of Hamilton and the Regional Municipality of Hamilton Wentworth entered into an agreement with the Hamilton Harbour Commissioners, the Province of Ontario and the Government of Canada respecting the clean-up of Windermere Basin.

It was the spirit and intent of the agreement to carry out to full completion a project to clean up the extreme siltation conditions existing in the Windermere Basin area of the Harbour. In addition, the agreement was founded on the strength of commitment and the co-operative efforts of the parties in the interest of restoring Windermere Basin.

....2/

Under the terms of the agreement, each of the parties thereto agree to contribute to the financing of this environmental improvement in a proportionate manner, as prescribed therein, and that a total budget of $4.5 million dollars be established to finance the project construction work.

It was also agreed that the Hamilton Harbour Commissioners will act on behalf of the parties to the agreement as project managers for the undertaking and co-ordination of the project work.

In January of this year, the Commissioners in its capacity as project manager, advised all of the parties to the agreement that because of construction problems, extra work and cost overruns, additional funds in the total amount of $732,000 are required to finance completion of the work in accordance with the environmental approval received for the project under the environmental assessment review process.

To keep the project moving forward, the Commissioners have contributed $163,066 of the total additional funds needed to complete the necessary work. A request was made that the unfunded cost deficiency be shared by the remaining parties to the agreement and apportioned in the same manner as their original funding contributions were apportioned. In this regard, a summary of the apportionment of the funding deficiency is as follows.

Additional Project funding required		$732,000.00
Shared proportionately by funding parties, as follows -		
<u>Contributions made by</u>:		
Hamilton Harbour Commissioners, contributed January 16, 1990	$163,066.13	
Province of Ontario, contributed April 5, 1990	$177,791.83	$340,857.96
Unfunded remainder:		$391,142.04
<u>Outstanding contribution portions payable by</u>:		
City of Hamilton	$106,675.10	
Regional Municipality of Hamilton Wentworth	$106,675.10	
Government of Canada	$177,791.83	
		$391,142.03

The Commissioners have received a positive response from the Province of Ontario to provide its share of the additional funds needed to complete this clean-up project. The Government of Canada has also indicated its willingness to see the project successfully completed.

In addition to the foregoing, the Commissioners are also concerned about the position expressed in the attached letter as to the question of land use planning taking precedent over the prior commitment of the Region and the City to see the necessary Windermere Basin restoration work fully completed.

The Commissioners do not agree that the land use matter is of such importance as to impede the completion of the project. From the beginning, it has always been understood that any land use issues would be considered independent and separate from the physical project construction work. The lands in question are owned by and belong to the Hamilton Harbour Commissioners and are to be utilized for purposes suitable to them. However, what land use will ultimately appear in the official plans for the planning areas for both the City of Hamilton and the Regional Municipality of Hamilton Wentworth requires further discussion and detail study.

The main objective at this time is not to argue land use but to get this important environmental project completed and to raise the additional funding to do so.

In all of these circumstances and before formal steps are taken to wind up the Windermere Basin clean-up project, it would be appreciated by the Commissioners that the City of Hamilton and the Hamilton Wentworth Regional Councils reconsider, as soon as possible, their positions as to providing their share of the additional funding needed to complete this important environmental project. If this additional funding is not committed by September 1st, 1990, the Commissioners intend to resign as project manager and to take the necessary action to see that the financing trust fund for the project is wound up.

The Commissioners will be awaiting an early reply as time is now of the essence in determining if the project is to proceed or is to be discontinued. Would you be good enough to see that this matter is brought to the attention of the members of council.

Yours very truly,

THE HAMILTON HARBOUR COMMISSIONERS

per

C. G. FURRY
SECRETARY

c.c. His Worship Mayor R. Morrow

Alderman H. Merling,
Chairman,
Transportation and Environment Committee,
City of Hamilton.

Alderman John Smith,
Chairman,
Planning and Development Committee,
City of Hamilton.

WP.064

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4

Tel. (416) 546-4170
Fax (416) 526-6665

Refer to File No. 823-55
Attention of 671-01
Your file No P. Campea

April 19, 1990

The Hamilton Harbour Commissioners
605 James Street North
Hamilton, Ontario
L8L 1K1

R. A. Edwards, P. Eng.

..dditional Funding required for completion
of the Windemere Basin clean up.

Your request for additional funding to complete the project was presented to the Region's Engineering Services Committee and the City of Hamilton's Transport and Environment Committee. Both Committees recommended that the reports be tabled until the question of the land use for the reclaimed property has been cleared up. Until such time the Region and the City of Hamilton can not supply the required funding to finish the project.

If you have any further questions please call Mr. Pat Campea at 546-4139.

D. Campea

PC:ju

(C)

CITY OF HAMILTON

- INFORMATION -

DATE: 1990 July 10

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: P. Noé Johnson
City Solicitor

SUBJECT: **Windermere Basin**

BACKGROUND:

The Planning and Development Committee at its meeting June 20, 1990, TABLED the Planning Report on Windermere Basin Technical Advisory Committee with instructions that Mr. I. Binnie, outside counsel for the City of Hamilton on Harbour matters, advise the Committee on the City's position vis à vis Windermere Basin land use and ownership.

DISCUSSION:

Mr.I. Binnie, McCarthy Tétrault , is on vacation until August 14th and is therefore unavailable for the Committee's July meeting. Mr. Binnie's office advises that he can appear before the August 22, 1990 Planning and Development Committee. Due to the overlapping jurisdiction over Harbour matters between the Planning and Development and the Transport and Environment Committees, it is the suggestion of staff that Transport and Environment Committee be invited to jointly hold the **in camera** session with Mr. Binnie.

In addition, attached please find a copy of a status report on the Windermere Basin rehabilitation prepared by Regional Engineering Department for the the information of the Regional Engineering Services Committee. Although a joint report is referred to, in consultation with Mr. L. Sage CAO, Mr. Binnie has been copied on all pertinent background information and will be addressing the issues as requested by Committee.

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering
71 Main Street West, Hamilton, Ont. L8N 3T4

Tel. (416) 546-4170
Fax (416) 526-6665

Refer to File No. 823-55
Attention of T.R. Engelbrecht
Your file No.

June 28, 1990

Mr. Chairman and Members
Engineering Services Committee

RE: WINDERMERE BASIN REHABILITATION PROJECT

Members of the Committee:

ORIGIN

At the Engineering Services Committee of June 11, 1990, the Regional Chairman requested an update on the Windermere Basin Project.

ANALYSIS

With the exception of the landscaping, vegetation, tree planting and construction of rip-rap walls to prevent erosion, the major portion of the project has been completed.

Cost overruns totalling $731,803.23, on the estimated $4,500,000 project cost, have been reported to the Engineering Services Committee and the Transportation and Environment Committee recommending payment of the increased costs in the amount of $107,000 for each of the Region and the City.

This matter was referred back to the Engineering Services Committee by Council at its meeting of March 6, 1990.

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The above reports were referred back and tabled pending resolutions of the following questions:

a) Ownership of the newly created lands within the Basin; and

b) Land use of the newly created lands.

A joint report from Engineering, Planning and the City Solicitor's Department is being prepared for the City of Hamilton's Planning and Development Committee and Transport and Environment Committee meetings of July 25, 1990 and July 23, 1990, respectively, which will deal with the ownership of the newly created lands and future land use issues.

Continued ...

Continued ...

June 26, 1990

RE: WINDEMERE BASIN REHABILITATION PROJECT

The initial understanding which was agreed to by all of the funding partners was that the Windemere Basin Rehabilitation Project should proceed notwithstanding that issues related to land use and land ownership still had to be dealt with by the appropriate parties. As the funding would be used primarily to prevent erosion and to landscape the already constructed works, it is suggested that completion of the project is technically appropriate at this time.

RECOMMENDATION

That this report be received for information.

E. M. Gill, P. Eng.
Acting Commissioner of Engineering

TRE:dcf
Attachments

MEMORANDUM • CITY OF HAMIL (d.)

TO : Mr. J. R. Leach
Commissioner of Engineering

YOUR FILE:

FROM : R. C. Prowse, Secretary
Transport and Environment Committee

OUR FILE : 3-11.2

SUBJECT : Windermere Basin Rehabilitation Project Funding Agreement

DATE : 1988 April 28

Subjoined please find a copy of Item 17 of the Seventh Report of the Transport and Environment Committee which was adopted by City Council at its meeting held Tuesday, April 26, 1988.

Would you please take the necessary steps to execute the directions of City Council with respect to this item.

RCP:lp

cc: Mr. E. C. Matthews, City Treasurer
Mr. E. A. Simpson, City Clerk

17. (a) That the Mayor and City Clerk be authorized to execute the Agreement respecting the Windermere Basin Rehabilitation Project Funding Agreement on behalf of the City of Hamilton.

(b) That the Treasurer be authorized to issue a cheque in the amount of $500 000 to the Windermere Basin Rehabilitation Project, in Trust from the project account.

NOTE: On October 13, 1987 City Council received a progress report (Item #18 - Robert 14-87) from the Transport and Environment Committee on the Windermere Basin Rehabilitation Project. The Background report referred to a five-party agreement related to this project. The agreement between the Region, the City of Hamilton, the Hamilton Harbour Commissioners, the Province of Ontario and the Government of Canada has now been approved by the lawyers for all of the parties and is now ready for execution.

21

F O R A C T I O N

REPORT TO: MR. R. C. PROWSE, SECRETARY
TRANSPORT AND ENVIRONMENT COMMITTEE

FROM: J. R. G. LEACH,
COMMISSIONER OF ENGINEERING

DATE: 1988 March 22

COMM FILE: 3-11.2
DEPT FILE: G71-01
ID#0043D

SUBJECT

Windermere Basin Rehabilitation Project Funding Agreement

RECOMMENDATION

a) That the Mayor and the City Clerk be authorized to execute the attached Agreement respecting the Windermere Basin Rehabilitation Project Funding Agreement on behalf of the City of Hamilton.

17/7

b) That the Treasurer be authorized to issue a cheque in the amount of $500,000 to the Windermere Basin Rehabilitation Project, In Trust from the project account.

G.G. Spencer
for J. R. G. Leach
Commissioner of Engineering

FINANCIAL IMPLICATIONS

The City's share of the project is $750,000.00.

The cash flow defined on Page 5 of the agreement is as follows:

Aggregate Contribution by all Parties on Signing of the Agreement	$ 250,000.00 (5.55%)
2nd Aggregate Contribution April 1, 1988	$2,750,000.00 (61.11%)
3rd Aggregate Contribution April 1, 1989	$1,500,000.00 (33.325%)
TOTAL	$4,500,000.00

All monies will be deposited into a project Trust Fund administered by an external auditor. Interest earned on deposit will be credited to the account and surplus funds at the completion of the project will be refunded on a pro-rated basis.

Upon execution of the Agreement, the first two installments are payable into the trust fund. The City's share of the first two installments is $500,000.00.

Cont'd ....

Cont'd ....

The balance of the City's contribution, $250,000.00, is payable April 1, 1989.

BACKGROUND

On October 13, 1987 City Council received a progress report (Item #18 - Report 14-87) from the Transport & Environment Committee on the Windermere Basin Rehabilitation Project. The background report referred to a five-party agreement related to this project. The agreement between the Region, the City of Hamilton, the Hamilton Habour Commissioners, the Province of Ontario and the Government of Canada has now been approved by the lawyers for all of the parties and is now ready for execution.

The attached agreement sets out the terms and conditions for payments and the obligations of all parties for the undertaking of this project. The previously agreed cost sharing is:

Hamilton Harbour Commissioners	$ 500,000 (11.1%)
City of Hamilton	750,000 (16.67%)
Region of Hamilton-Wentworth	750,000 (16.67%)
Province of Ontario	1,250,000 (27.78%)
Canada	1,250,000 (27.78%)
	4,500,000

Also attached to this report is correspondence from the Harbour Commissioners which provides an update on the status of the project. The Committee should note there will be a public meeting early in May which is a requirement of the environmental review process. Also, there is a hydraulic model of the basin after dredging which will be available for public viewing at the Canada Centre for Inland Waters during the open house the week of April 13th to the 18th, 1988.

GSS:cd
Attach.

THIS AGREEMENT made this day of , 1988.

B E T W E E N:

THE HAMILTON HARBOUR COMMISSIONERS, incorporated under the laws of Canada,

Hereinafter referred to as the "Commissioners",

OF THE FIRST PART,

- and -

THE CORPORATION OF THE CITY OF HAMILTON,

Hereinafter referred to as the "City",

OF THE SECOND PART,

- and -

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH,

Hereinafter referred to as the "Region",

OF THE THIRD PART,

- and -

THE GOVERNMENT OF THE PROVINCE OF ONTARIO, represented by the Minister of the Environment,

Hereinafter referred to as "Ontario",

OF THE FOURTH PART,

- and -

THE GOVERNMENT OF CANADA, represented by the Minister of the Environment,

Hereinafter referred to as "Canada",

OF THE FIFTH PART.

WHEREAS the Commissioners are the owners of certain

lands and water lots comprising an area which is known and hereinafter referred to as the "Windermere Basin";

AND WHEREAS the parties hereto have agreed to engage in a project to clean up the extreme siltation conditions existing in the Windermere Basin through a scheme of partial dredging and removal of sediment and the depositing of such sediment in confined areas behind protective berms located within the limits of the Windermere Basin area, with a view to creating useable land and maximizing the resulting area of open water within the Basin, as shown in the plan appended as Schedule "A", subject to final layout and specifications as determined by the Commissioners (which project and the project work are hereinafter referred to as the "Project" and the "Project Work");

AND WHEREAS for purposes of implementing, carrying out and furthering their responsibilities and obligations as set out in the Hamilton Harbour Commissions Act 1912, as amended, the Commissioners have agreed to contribute to the financing of the Project and participate in the undertaking of the Project Work as hereinafter more particularly set forth;

AND WHEREAS Canada, Ontario, the Region and the City have agreed to contribute to the financing of the Project as hereinafter more particularly set forth for the purpose of environmental improvements and of minimizing future costs of dredging the shipping channel adjacent to the Windermere

Basin, which will result from the Project and the Project Work;

AND WHEREAS the Governor in Council by Order in Council P.C. 1988/ of the day of , 1988, has authorized the Minister of the Environment to execute this Agreement on behalf of Canada;

AND WHEREAS the Lieutenant Governor in Council by Order in Council No. dated the day of 1988, has authorized the Minister of the Environment to execute this Agreement on behalf of Ontario;

AND WHEREAS each of the parties hereto has agreed that the Commissioners shall act as the Project Manager with respect to the Project and the Project Work;

AND WHEREAS the parties hereto have further agreed as hereinafter set out;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the covenants hereinafter contained, the parties covenant, promise and agree as follows:

1.(a) Unless otherwise agreed in writing by the parties hereto, the total budgeted cost (the "Budgeted Cost") for the Project Work shall not exceed FOUR MILLION, FIVE HUNDRED THOUSAND DOLLARS ($4,500,000.00) and the respective financial contributions of the parties to the Budgeted Cost of the

Project shall be as follows:

The Commissioners	$ 500,000.00
The City	750,000.00
The Region	750,000.00
Ontario	1,250,000.00
Canada	1,250,000.00
	$4,500,000.00

Provided that to the extent the actual cost of the Project (as approved in writing by all parties hereto) differs from the Budgeted Cost, the respective financial contributions of the parties to the actual cost of the Project Work shall be amended in accordance with the same proportions as set out above; provided further that in no event shall the financial contribution of Canada exceed $1,250,000.00.

(b) All parties acknowledge that notwithstanding any other provision of this Agreement the obligations of Ontario and Canada to make any payments hereunder are subject to sufficient appropriations being made by the Legislature and Parliament respectively and being allocated for the purpose of this Agreement in the fiscal years in which they are required.

2. (a) Subject to paragraph 3, each party's financial contribution will be deposited pro rata in the proportions as set forth in subparagraph 1(a) into an interest-bearing trust account (the "Project Trust") to be maintained and administered by the Commissioners, in accordance with the

following timetable:

(i)	an initial aggregate contribution shall be made by the parties on or about the commencement date of this Agreement, being the date when this Agreement has been fully executed and delivered to each of the parties (hereinafter referred to as the "Commencement Date"), to cover engineering, design and start up costs (certain of which costs the parties acknowledge have been incurred prior to the Commencement Date, which costs shall be subject to the terms of this Agreement)	$ 250,000.00
(ii)	a second aggregate contribution shall be made by the parties on or about April 1 , 1988	2,750,000.00
(iii)	a third aggregate contribution shall be made by the parties on or about March 31, 1989	1,500,000.00
	TOTAL:	$4,500,000.00

(b) Notwithstanding subparagraph 2(a), as the Project Work progresses, the Commissioners may, upon the consent of

all parties, amend the dates upon which the parties shall be required to pay into the Project Trust the second and/or third aggregate contribution as aforesaid.

(c) To the extent the actual cost of the Project differs from the Budgeted Cost, the amounts of the aforesaid initial, second and third aggregate contributions shall be accordingly amended in accordance with the same proportions as set out in subparagraph 1(a) hereof.

3.(a) Notwithstanding paragraph 2 hereof, it is understood, acknowledged and agreed that Canada will not pay its agreed financial contribution into the Project Trust and Canada hereby agrees to pay its financial contribution in the following manner:

(i) At such time(s) as Public Works Canada submits an invoice to the Commissioners pursuant to the Specific Services Agreement referred to in paragraphs 8 and 9 hereof, for the amount of any progress payments made by Public Works Canada to the General Contractor, or at such time(s) as the Commissioners find it necessary to pay any other incidental fees and/or disbursements relating to the Project pursuant to paragraph 9, the Commissioners shall determine the portion of such charge or charges for which Canada is responsible and the Commissioners shall submit an invoice to

Canada for such amount;

(ii) Within seven days of receipt of an invoice from the Commissioners pursuant to subparagraph 3(a)(i) above, Canada will pay to the Commissioners the amount of such invoice.

(b) Notwithstanding subparagraph 3(a), at such time as the Commissioners provide a final accounting to the parties pursuant to paragraph 13, the Commissioners shall make the required adjustments between the parties such that the contribution of Canada made outside the Project Trust with no interest earned thereon pursuant to paragraph 3(a), and the respective contributions of all other parties made to the Project Trust together with interest earned thereon pursuant to subparagraph 2(a) shall bear the same proportions as set out in subparagraph 1(a).

4. The Commissioners shall act as the proponent of the Project and will undertake and coordinate the Project Work as the Project Manager.

5. The Commissioners, in cooperation with Public Works Canada, will apply for and use their best efforts to obtain all required regulatory approvals, environmental and otherwise; provided in the event that the required approvals cannot reasonably be obtained by the Commissioners on or before April 1st, 1988 the Commissioners may at any time thereafter provide to each of the other parties hereto ninety

days' notice in writing of their intention to discontinue the Project Work under this Agreement and if by the expiry of such ninety day period, the required regulatory approvals have not been obtained, the Commissioners in their discretion, after consultation with each of the other parties, may either request the parties to agree to a further extension of the date for obtaining all such required regulatory approvals, or discontinue the Project Work and, subject to compliance with the requirements of paragraph 13, terminate this Agreement.

6. After the Commencement Date, in accordance with their normal practices and procedures, the Commissioners will retain consulting engineers to carry out the necessary design work and prepare plans and specifications for the Project Work, to Public Works Canada standards.

7.(a) At such time as all required regulatory approvals have been obtained, the Commissioners will submit the plans and specifications for the Project Work to Public Works Canada and request Public Works Canada to call for tenders for the Project Work.

(b) All tenders submitted will be reviewed by the Commissioners for acceptance in their discretion, provided that the Commissioners will only be required to accept a tender if such tender comes within the Budgeted Cost for the Project Work; provided further that in the event the tenders submitted exceed the Budgeted Cost for the Project Work, the

Commissioners in their discretion, after consultation with the other parties hereto, shall have the right to reduce the quantity and/or extent of the Project Work by up to 15% to remain within the Budgeted Cost, provided that notwithstanding any such reduction in the quantity and/or extent of the Project Work, the Commissioners shall ensure that the requirements and conditions of all applicable regulatory approvals shall be complied with.

(c) Any further reductions in the quantity and/or extent of the Project Work in excess of 15% shall require the written approval of all parties hereto and in any event, no tender for an amount in excess of the Budgeted Cost for the Project Work shall be accepted by the Commissioners without the prior written consent of all parties hereto.

8. Upon acceptance of a tender, the Commissioners will enter into a Specific Services Agreement with Public Works Canada pursuant to which Public Works Canada will enter into a construction contract with the successful tenderer (hereinafter referred to as the "General Contractor") which construction contract will provide, inter alia, that the Commissioners will act as the Project Manager.

9. (a) As Project Manager, the Commissioners will, without compensation, oversee the Project Work and, pursuant to the Specific Services Agreement, authorize Public Works Canada to make appropriate progress payments to the General Contractor

from time to time pursuant to the construction contract.

(b) After each progress payment to the General Contractor, Public Works Canada will submit an invoice to the Commissioners for the amount of such payment and the Commissioners will pay the invoiced amount from the Project Trust, subject to the qualification expressed in paragraph 3 of this Agreement.

(c) All incidental fees and expenses other than progress payments incurred by or invoiced to the Commissioners in connection with the Project Work, including the fees and expenses of the consulting engineers retained by the Commissioners, will be paid by the Commissioners from time to time as required directly from the Project Trust, subject to the qualification expressed in paragraph 3 of this Agreement.

10. The Commissioners shall maintain adequate documentation and records of moneys deposited to and disbursed from the Project Trust, including interest earned on the funds within the Project Trust, and will maintain accurate records of all invoices received in connection with the Project Work and the Commissioners shall, on request, make available such documentation and records for examination by auditors or other representatives of any of the other parties to this Agreement.

11. The Commissioners shall report quarter-yearly to the other parties hereto with respect to the progress of the Project Work in the form of the report appended as Schedule

"B" hereto.

12. This Agreement shall take effect upon the Commencement Date, and subject to earlier termination of the Project Work in accordance with the terms hereof, will continue in force until the Project has been fully completed, and all obligations under the Agreement have been fully carried out, provided that the respective obligations of the parties to make the financial contributions specified in this Agreement shall terminate on March 31, 1990, unless specifically extended by agreement in writing consented to by all the parties hereto.

13. At such time as the Project has been fully completed or in the event that the Project Work is discontinued or terminated in accordance with the provisions of this Agreement prior to completion of the Project, the Commissioners shall provide to each of the other parties a final accounting of all moneys deposited to and disbursed from the Project Trust and received and disbursed pursuant to paragraph 3, and all costs incurred in connection with the Project to the date of completion of the Project or termination of the Project Work and, subject to the provisions of subparagraph 3(b), the Commissioners shall return to each of the parties their proportionate share of any moneys remaining in the Project Trust or held pursuant to paragraph 3, and thereafter this Agreement shall terminate.

14. This Agreement may only be amended by mutual consent between the parties evidenced in writing.

15. All communications, notices, demands, requests and approvals which may or are required to be given or made pursuant to this Agreement shall be given or made in writing and shall be served personally (which includes delivery by any commercial courier) or by any electronic means of written communication the recipient is equipped to receive at the address to which mail must be sent, or mailed by prepaid registered mail when no delays in or curtailment of mailservices are threatened or in effect and/or could possibly be anticipated, in the case of:

The Hamilton Harbour Commissioners, addressed to:

605 James Street North
Hamilton, Ontario
L8L 1K1

The Corporation of the City of Hamilton, addressed to:

71 Main Street West
Hamilton, Ontario
L8N 3T4 Attention: City Clerk

The Regional Municipality of Hamilton-Wentworth, addressed to:

Fifteenth Floor
Ellen Fairclough Building
119 King Street West
Hamilton, Ontario
L8N 3V9 Attention: Regional Clerk

The Government of the Province of Ontario,
Represented by the Minister of the Environment, addressed to:

Ellen Fairclough Building
P. O. Box 2112
119 King Street West
Hamilton, Ontario
L8N 3Z9 Attention: Regional Director
West Central Region

The Government of Canada, Represented
by the Minister of the Environment, addressed to:

Environment Canada
Conservation and Protection
Ontario Region
25 St. Clair Avenue East - 7th Floor
Toronto, Ontario
M4T 1M2 Attention: Simon Llewellyn

or to such other address as any one of the parties hereto may from time to time advise the other parties hereto by notice in writing. The date of the receipt of and such communication, notice, demand or request shall be deemed to be the date of delivery of such communication, notice, demand or request if served personally or by courier or by electronic means as aforesaid, or if mailed as aforesaid, the third day of business following the date of such mailing at such time when no delays in or curtailment of mail services are threatened or in effect and/or could be reasonably anticipated.

16. No member of the Parliament of Canada or the Legislative Assembly of Ontario shall be admitted to any share or part of this Agreement or to any benefit arising therefrom.

17. This Agreement will be governed by and construed in accordance with the applicable laws of Canada and the Province of Ontario.

18. The parties hereto agree to cooperate on the release of any announcements concerning the undertaking of this Agreement or any agreements related thereto, and to provide due credit and recognition.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first above written.

SIGNED, SEALED & DELIVERED in the presence of	THE HAMILTON HARBOUR COMMISSIONERS Per: _____ Per: _____
	THE CORPORATION OF THE CITY OF HAMILTON Per: _____ Per: _____
	THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH Per: _____ Per: _____ Per: _____
Witness: _____	THE GOVERNMENT OF THE PROVINCE OF ONTARIO _____ The Minister of the Environment
Witness: _____	THE GOVERNMENT OF CANADA, _____ The Minister of the Environment

605 James St. N.
Hamilton, Ontario, Canada
L8L 1K1

Hamilton 525-4330
Toronto 1-800-263-2131
Telex 061-8638

The Hamilton Harbour Commissioners

FILE NO.
LETTER NO.
MAR 1 4 1988

ENG PLAN		READ BY
EN		
EN		ANS. BY
REG SURV.		FILED BY
ADMIN.		

March 10, 1988

Mr. Stan Spencer
Director of Engineering Services
Regional Municipality of
Hamilton-Wentworth
119 King Street West
Hamilton, Ontario
L8N 3V9

Re: Windermere Basin Rehabilitation Project

Dear Sir,

We have now been advised that the Windermere Basin Agreement document has been approved by all parties and is now ready for execution. The Commissioners themselves would be in a position to sign anytime after March 28, 1988.

Therefore we request each agency to arrange the necessary authorization to proceed with execution in the first week of April (4th - 8th). It has been suggested that The Commissioners be first signators followed by the City and the Region. The document would then be transported to the Minister of the Environment of Ontario and subsequently to the Minister of the Environment for Canada.

No organized press conference or release is anticipated however, each party is free to make any arrangements they feel necessary in this regard.

Upon execution of the document we require funds to be submitted to the Trust as follows:

Government of Canada:

27.78% (1.25 mil/4.25 mil) x actual funds spent at date of signing = Computed at time of signing.

Province of Ontario:

27.78% x $3 million (1st & 2nd installments) = $833,333.33

Regional Municipality of Hamilton-Wentworth:

16.67% x $3 million minus $35,000 (prepaid) = $465,000.00

Corporation of the City of Hamilton:

27.78% x $3 million = $500,000.00

The Hamilton Harbour Commissioners:

11.11% x $3 million - $25,000 (prepaid) = $308,333.34

Please make cheques payable to The Windermere Basin Rehabilitation Project in Trust and arrange for these funds to be deposited in the trust as soon as possible after the signing date.

As to the project we are now proceeding with the first stages of environmental approvals under the Federal E.A.R.P. process and a screening document is currently being prepared. Design is proceeding and the final layout of the project has been completed except for some minor fine-tuning of the hydraulics of the design. A hydraulic model study is under construction at C.C.I.W. to assist in fine-tuning the scheme. The model will be available for public viewing as part of the Centre's Open House activities from April 13th to 18th.

Public participation in the project is scheduled to take place in early May. Tendering of the first major berm/dredging project is slated to begin in June of this year.

Attached please find a financial summary of the project to February 29. We have expended $62,226.70 and have committed an additional $65,000.00 to February 29, 1988.

It would be timely for the project team to meet shortly after the agreement is signed and in hopes that everyone can attend I am requesting a meeting to be held in our Boardroom on April 14, 1988 at 10:00 a.m. Would each party respond as to the suitability of this date and time as soon as possible.

If you have any questions, please don't hesitate to call.

Yours very truly,

R.A. Edwards

R.A. EDWARDS, P.ENG.,

PORT ENGINEER

WINDERMERE BASIN PROJECT -- IN TRUST
SUMMARY

to February 29, 1988

RECEIPTS

CONTRIBUTIONS:	
CANADA	0.00
ONTARIO	0.00
REGION	35,000.00
CITY	0.00
H.H.C.	48,472.13
	83,472.13
INTEREST	248.00
OTHER	0.00
	83,720.13

EXPENDITURES

CONSULTANTS & FEES	61,666.70
DREDGING	0.00
BERM CONSTRUCTION	0.00
CAPPING	0.00
LANDSCAPING	0.00
SEWERS & DRAINS	0.00
OTHER	560.00
	62,226.70

RECEIPTS less EXPENDITURES	21,493.43

(e.)

Subjoined is a true copy of Section 17 of the SEVENTH Report of the Transport and Environment Committee adopted by City Council at its meeting held 1988 April 26.

17. (a) That the Mayor and City Clerk be authorized to execute the Agreement respecting the Windermere Basin Rehabilitation Project Funding Agreement on behalf of the City of Hamilton.

(b) That the Treasurer be authorized to issue a cheque in the amount of $500 000 to the Windermere Basin Rehabilitation Project, in Trust from the project account.

NOTE: On October 13, 1987 City Council received a progress report (Item #18 - Robert 14-87) from the Transport and Environment Committee on the Windermere Basin Rehabilitation Project. The Background report referred to a five-party agreement related to this project. The agreement between the Region, the City of Hamilton, the Hamilton Harbour Commissioners, the Province of Ontario and the Government of Canada has now been approved by the lawyers for all of the parties and is now ready for execution.

HAMILTON CITY COUNCIL MINUTES

PAGE 1075 - EFFECTIVE DATED 10-27-81

Subjoined is a true copy of Section 16 of the NINETEENTH Report for 1981 of the Transport and Environment Committee adopted by Hamilton City Council at its meeting held Tuesday, 1981 October 27th.

16. That the Ministry of the Environment be requested to submit to Council, through its Transport and Environment Committee, the following:

    (i) A concise report respecting the air quality in the City of Hamilton for a period covering the last six months.

    (ii) A complete report outlining specific sources of pollution along Confederation Park and the Hamilton Harbour including the Windemere Basin. Said report to include a full inventory of chemicals, run-offs and sewage deposits into the Bay.

PAGE 767 - EFFECTIVE DATE 6.28.83

Subjoined is a true copy of Section 47 as amended of the ELEVENTH Report for 1983 of the Transport and Environment Committee adopted by Hamilton City Council at its meeting held Tuesday, 1983 June 28th.

47. That a Committee be created, with technical representatives from the Canadian Centre for Inland Waters (C.C.I.W.), the Region of Hamilton-Wentworth, the City of Hamilton, the Hamilton-Wentworth Region Conservation Authority, the Hamilton Harbour Commission and McMaster University, to work with the Ministry of the Environment in conducting a further study with viable recommended solutions on the Windermere Basin.

PAGE 168 - EFFECTIVE DATE 02/14/84

Subjoined is a true copy of Section 1 of the SECOND Report for 1984 of the Transport and Environment Committee adopted by Hamilton City Council at its meeting held Tuesday, 1984 February 14th.

1. That A. V. Forde who serves as a technical consultant to the Transport and Environment Committee and the Pollution Control Committee be appointed as the City of Hamilton representative on a Technical Committee being formed to study sludge removal at the Windermere Basin.

PAGE 1129 - EFFECTIVE DATE 08/27/85

Subjoined is a true copy of Section 29 of the FIFTEENTH Report for 1985 of the Transport and Environment Committee adopted by Hamilton City Council at its meeting held Tuesday, 1985 August 27.

29.(a) That with respect to the proposed solutions to the problem of contaminated sediment at the bottom of the Windermere Basin, as outlined by the Windermere Basin Technical Advisory Committee in a report dated April 15, 1985, the alternative of channelization, fill, stabilization and maximum water surface, be endorsed; and

(b) That a recommendation respecting the solution of the contaminated sediment problem in the Windermere Basin, be brought before the Transport and Environment Committee, by representatives of the Technical Advisory Committee, within three months.

PAGE 810 - EFFECTIVE DATE 05/13/86

Subjoined is a true copy of Section 6 of the ELEVENTH Report for 1986 of the Transport and Environment Committee adopted by Hamilton City Council at its meeting held Tuesday, 1986 May 13th.

6. That the Hamilton Harbour Commissioners be endorsed as the project proponent for the clean-up of the Windermere Basin.

NOTE: Regional Council at its meeting of 1986 March 18, approved the following Engineering Services Committee recommendation and requested the City of Hamilton to endorse the Hamilton Harbour Commissioners as the project proponents:

"17. Whereas representatives from the Hamilton Harbour Commission, the Windermere Basin Technical Advisory Committee, the City's Transport and Environment Committee and the Hamilton Regional Conservation Authority appeared before the Committee to discuss the cleanup of the Windermere Basin.
It is therefore recommended:
That the Hamilton Harbour Commissioners be endorsed as the project proponent for the clean-up of the Windermere Basin."

Subjoined is a true copy of Section *1 of the FIRST Report for 1987 of the Special Harbour Committee adopted by Hamilton City Council at its meeting held Tuesday, 1987 March 31st.

REPORT OF THE SPECIAL HARBOUR COMMITTEE

To the Council of The Corporation of the City of Hamilton.

Members of Council:

The Special Harbour Committee presents its FIRST Report for 1987 and respectfully recommends:

*1. (a) That an approach be made to The Honourable Thomas McMillan, Minister of The Environment, impressing on him the urgency for the cleaning up of the Windermere Basin in the Hamilton Harbour, and requesting that he arrange for the Federal Government to provide the required $1.25 million for this project.

(b) That all Hamilton area M.P.'s be requested to actively support the City's efforts in obtaining $1.25 million from the Federal Government to help finance the cleaning up of the Windermere Basin in the Hamilton Harbour, which should be done as soon as possible.

Respectfully Submitted,

ALDERMAN H. MERLING, CHAIRMAN,
SPECIAL HARBOUR COMMITTEE.

E. A. Simpson, Secretary,
1987 March 12.

*Sub-section (a) of Section 1 referred to the Transport and Environment Committee.

PAGE 1964 - EFFECTIVE DATE 10/13/87

Subjoined is a true copy of Section 18 of the FOURTEENTH Report for 1987 of the Transport and Environment Committee adopted by Hamilton City Council at its meeting held Tuesday, 1987 October 13th.

18. That the City of Hamilton confirm its commitment of $750 000 towards the Windermere Basin Rehabilitation Project.

NOTE: This commitment is made on the understanding that the total estimated project cost for the clean up of the Windermere Basin is $4.5 million to be shared as follows:

City	$ 750 000
Region	$ 750 000
Harbour Commission	$ 500 000
Province of Ontario	$1 250 000
Government of Canada	$1 250 000

June 24/86
Council endorsed WBAC report

FILE NO. 671-01		
LETTER NO.		
DEPT. OF ENGINEERING		
ROUTE		RECV'D
ENV. SER.		READ BY
ENG. SER.		
TRANS. SER.		ANS. BY
REG. SURV.		FILED BY
LAB		
CML		

70. (a) That the report of the Windermere Basin Technical Advisory Committee on the dredging of the Windermere Basin and the disposal of the contaminated sediment, appended hereto, be endorsed, and

(b) That the Windermere Basin Technical Advisory Committee be requested to remain active, and

(c) That a representative with the appropriate planning expertise be added to the membership of the Windermere Basin Technical Advisory Committee, and

(d) That the Windermere Basin Technical Advisory Committee prepare revised terms of reference for the Technical Committee.

SECTION # 70 of the 12TH REPORT OF THE T. & E. COMMITTEE

ADOPTED BY CITY COUNCIL ON 86-06-24

Windermere Basin

May 23, 1986

TO: Regional Municipality of Hamilton-Wentworth
City of Hamilton
Hamilton Harbour Commissioners
Ontario Ministry of the Environment
Environment Canada
Hamilton Region Conservation Authority

RE: The Dredging of the Windermere Basin and the Disposal of Contaminated Sediments

Dear Sirs:

I am pleased to submit herewith the conclusions reached by the Windermere Basin Technical Advisory Committee on the above noted project. Copies of the two relevant technical reports are also enclosed. This report provides an outline of the problem, and a preferred solution. A list of items yet to be addressed is also included. Most of these items will be dealt with during the final design stage of the project.

During the course of the work, valuable assistance and guidance was provided by your representative on the committee which was much appreciated and is hereby acknowledged.

Should you wish to discuss the report in greater detail, please do not hesitate to call on your representative.

Yours truly,

B.W. Vanderbrug,
Chairman,
Windermere Basin Technical Advisory Committee

May 23/86
Report

THE DREDGING OF THE WINDERMERE BASIN AND THE DISPOSAL OF CONTAMINATED SEDIMENT

May 20, 1986

Prepared by:

WINDERMERE BASIN TECHNICAL ADVISORY COMMITTEE

TABLE OF CONTENTS

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2.	THE PROBLEM	2
3.	SUGGESTED SOLUTIONS	2
4.	PREFERRED SOLUTION	3
5.	OTHER CONSIDERATIONS	4
6.	CONCLUSION	7

BACKGROUND

On June 2, 1983, the Hamilton Region Conservation Authority adopted the following resolution:

> *THAT a joint committee be struck composed of the Hamilton Harbour Commissioners, the Ministry of the Environment, the Regional Municipality of Hamilton-Wentworth, the City of Hamilton and the Hamilton Region Conservation Authority, and further*
>
> *THAT the committee be a staff committee, and further*
>
> *THAT the committee be charged with examining the entire question of the Redhill Creek and Windermere Basin area in order to determine firm recommendations which will lead to the solution of the Windermere Basin problem.*

The above recommendation was accepted by the affected public agencies and the first meeting of the newly formed committee was held on March 2, 1984. The committee consists of the following representatives

K. Brenner	Regional Municipality of Hamilton-Wentworth
S. Spencer	Regional Municipality of Hamilton-Wentworth
V. Forde	City of Hamilton
B. Hennessy	Hamilton Harbour Commissionioners
S. Irwin	Ministry of the Environment
J. Mayes	Ministry of the Environment
R. Stewart	Ministry of the Environment
I. Orchard	Environment Canada
B. Vanderbrug	Hamilton Region Conservation Authority (appointed as Chairman)

The committee met on 12 occasions and commissioned two technical studies. This report summarizes the conclusions reached by the committee and also provides background information on the basin. Copies of the two technical reports and an earlier study can be obtained from the Hamilton office of the Ontario Ministry of the Environment (Windermere Basin Study prepared by the Ontario Ministry of the Environment dated December, 1982; Windermere Basin Sediment Study prepared by Envirosearch Ltd., dated April, 1985; Evaluation of the Leachability of Dredged Windermere Basin Sediment prepared by the Waste Water Technology Centre (Environment Canada) dated May, 1986). Another report considered during the evaluation process was a feasibility study for improvements to the Windermere Basin undertaken for the Hamilton Harbour Commissioners by Mar-Land Engineering Ltd.

THE PROBLEM

The Windermere Basin is a relatively small 40 hectare (± 100 acre) basin situated at the south east corner of Hamilton Harbour (see attached Appendix 1). The drainage area surrounding the basin is urbanized and industrialized. The basin receives surface runoff from Redhill Creek and the treated effluent from the Hamilton sewage treatment plant. Over time, pollutants were discharged to the basin which settled to its bottom, causing a build up of contaminated sediments. The contaminated sediments range from a few centimeters to 5 meters in thickness, but in most places occupy primarily the upper 70 centimeters. Concentration of the contaminants is the highest in the upper layers.

The major environmental concern associated with the presence of the contaminated sediments is the possibility of the sediments being scoured from the basin and carried to Hamilton Harbour or Lake Ontario. The probability of scouring during a major storm event is quite high.

There is also a serious concern about the aesthetics of the basin. Due to fluctuation in the water level of Lake Ontario and Hamilton Harbour, large deposits of sediment are regularly exposed. These exposed sediments and entrained debris detract from the aesthetics of the area. The basin is the first impression of Hamilton to the millions of Q.E.W. travellers. There is therefore an increasing interest in cleaning up the basin for aesthetic reasons.

SUGGESTED SOLUTIONS

Available studies suggest a number of alternatives for the removal of the contaminated sediment and its disposal. They include the following:

- Do nothing
- Complete dredging
- Partial dredging
- Raise water level with dam
- Create marsh on mud flats
- Create tertiary treatment marsh
- Channelize and fill

The environmental risks, aesthetic considerations, costs, legal questions and social political issues were considered by committee members for each alternative. In addition, various alternatives for sediment disposal were considered.

1. On site disposal within a containment area within a portion of the Windermere Basin. (Estimated 1986 cost for dredging and disposal - $4,400,000 to $7,700,000)

2. Dewatering of sediments and the transporting of the dewatered material to a landfill site. (Estimated 1986 cost for dredging and disposal - $29,700,000 to $38,500,000)

3. Dewatering and incineration of the sediments at the Woodward Avenue sewage treatment plant. (Estimated 1986 cost for dredging and disposal - $20,900,000)

PREFERRED SOLUTION

After much study and debate, the committee reached consensus that a partial dredging and fill solution would be the preferred solution from an environmental and financial point of view. The question which remained to be studied and resolved was whether or not the dredged sediments should be chemically stabilized to reduce the danger of contaminants leaching back into the basin.

Although the chemical stabilization (fixation) of dredgeate is not a proven science, enough research data is available to conclude that fixation will make it more difficult for toxic substances to escape into the environment. There are, however, a number of problems with the fixation technique, not the least one being its cost. (Estimated cost of dredging and regular disposal - $4,400,000; dredging and disposal with stabilization of dredgeate - $7,700,000). In addition, there is the problem of increased volume. The fixation process involves the addition of considerable quantities of fly ash lime (or other suitable additives) to the dredgeate which would more than double its final volume. This added volume would abvously aggravate the disposal problem.

The Envirosearch study results indicated that stabilization may be required while subsequent analyses suggested that the contaminants would not leach out of the disposal site. Further investigations revealed that the Envirosearch conclusions were based on incorrectly reported data made available to them. Nonetheless, the committee felt that more research was needed and the Waste Water Technology Centre of Environment Canada was contacted to undertake this work. The main purpose of the study was to simulate the placement of contaminated dredged sediments behind berms and to determine if natural environmental processes would cause the contaminants to leach into the basin. Affirmative results would dictate fixation while low levels of pollutants in the leachate would allow a more traditional disposal approach.

The study was completed in early May, 1986 and test results indicated that leachates from the disposal area would be relatively low in contaminants. With this information, the committee was able to conclude that fixation would not be necessary.

In view of the above, the following is recommended:

1. That the basin be partially dredged
2. That the sediments be disposed of on site behind containment berms
3. That the sediments be disposed of without chemical stabilization.

OTHER CONSIDERATIONS

The main mandate of the committee was to reach consensus on the most appropriate method of sediment removal and the safe disposition of the contaminated sediment. That mandate has been met. Nonetheless, the committee did discuss related issues which are to be considered before implementation can take place. The following lists the various issues and summarizes opinions and conclusions reached by the committee.

How much sediment should be removed?

To make the project effective, it is important that seriously contaminated sediments be removed from contact with open water. Generally, this will involve the top 70 centimeters, although the actual depth will vary from location to location. Taking the above criterion in mind, it is estimated that a minimum of 280,000 cubic meters of sediment is to be removed from open water contact. There will be no requirement to remove contaminated sediment from the designated disposal areas.

Which area of the basin should be set aside as a sediment disposal area?

Several locations with different configurations are feasible. A final selection will, to a large extent, depend on design considerations, the ultimate use to be made of the containment area, and the ownership of the basin. An ownership map is attached to this report as Appendix 2.

How much water volume and water surface area should be maintained?

It is important to maintain as large a water volume and water surface area as possible. Volume is required to make the basin functional as a sediment settling area. A substantial water surface area is important as it increases the basin's capacity to absorb oxygen from the atmosphere. Considering the quantity of fill to be disposed of it should be possible to maintain at least 50% of the basin's surface area.

What precautionary measures should be taken during the sediment removal process?

Measures must be taken during the dredging process to minimize the transportation of contaminated sediment from the basin to the harbour and possibly Lake Ontario. The area to be dredged must therefore be isolated during the dreding operation. There are a range of possibilities, e.g.

- A system of weirs
- Bubble curtains
- Silt curtains
- Bypass channels.

The final design is to determine the best system to use.

What should be the ultimate land use of the dredgeate disposal area once the dredging is completed?

This question is considered to be beyond the mandate of the committee and was therefore not dealt with. Decisions on land use matters must be made through normal Regional and City planning procedures.

How can the project be of benefit to improve the aesthetics of the basin?

The dredging of the basin offers an excellent opportunity to improve the aesthetics of the area. The degree of this improvement will, to a large extent, depend on the location and configuration of the disposal areas as well as their ultimate use. Although members expressed certain points of view on this question, it was considered to be beyond the committee's mandate to make recommendations and/or suggestions.

Which agency should be the project proponent?

The Hamilton Harbour Commissioners have offered to be the project proponent. Both Regional and City Councils have accepted this offer. It is the opinion of the committee that the Hamilton Harbour Commissioners would be a suitable proponent, subject to all requirements respecting environmental and land use issues being met wherever they apply.

Will it be necessary to undertake an environmental assessment before the project is started?

Since the Hamilton Harbour Commissioners will be the likely project proponents, it is expected that a Federal environmental project appraisal will be required. The work done by the Windermere Basin Technical Committee and the technical reports produced will greatly assist in streamlining the process.

What preventative measures should be undertaken to prevent a similar situation from recurring?

It is essential that a long term commitment on maintenance and preventative measures be made. Preventative measures would include the following:

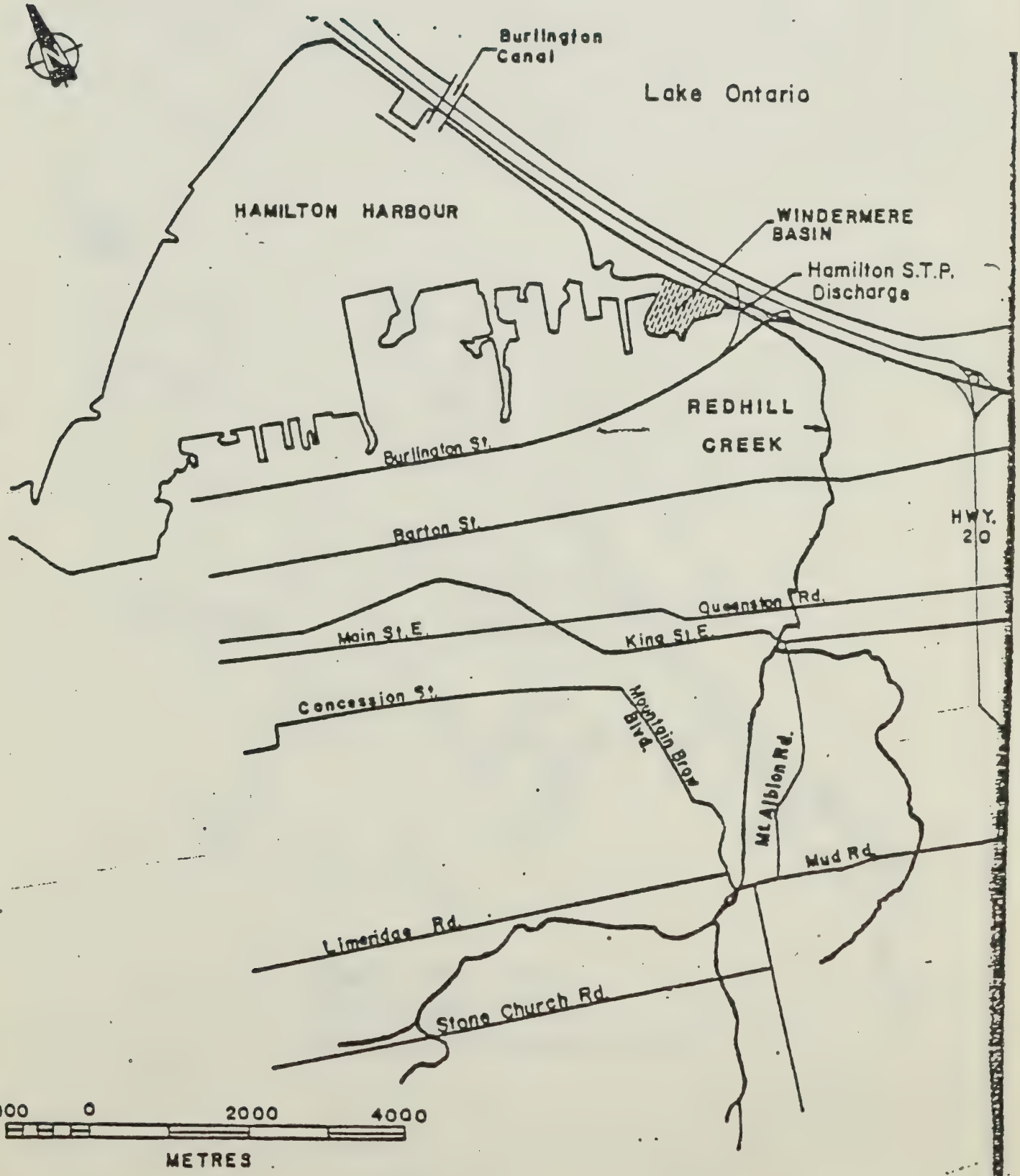
- An urban stormwater management program for Redhill Creek (Cities of Hamilton and Stoney Creek, Township of Glanbrook)
- The control of combined sewer overflows)
- Upstream erosion control measures (Conservation Authority, Region, City, landowners)
- The setting of high water quality standards for all effluent discharging into the basin (MOE)

In spite of these long range preventative measures, it is expected that some sediments will continue to settle in the basin. The final design of the basin should be such to allow for the trapping of the sediments in special settling areas. These settling areas will require periodic dredging.

CONCLUSION

There is agreement that the rehabilitation of the Windermere Basin is one of the highest environmental and aesthetics issues in the Region. After much research and debate, there now appears to be a viable solution. It is the hope of all committee members that outstanding issues will soon be resolved so that the clean up of the basin will soon be a reality.

Committee members are prepared to continue as a committee during the implementation phase of the project, if so requested by the project proponent.


Burlington Canal
Lake Ontario
HAMILTON HARBOUR
WINDERMERE BASIN
Hamilton S.T.P. Discharge
REDHILL CREEK
Burlington St.
Barton St.
HWY. 20
Queenston Rd.
Main St. E.
King St. E.
Concession St.
Mountain Brow Blvd.
Mt. Albion Rd.
Mud Rd.
Limeridge Rd.
Stone Church Rd.
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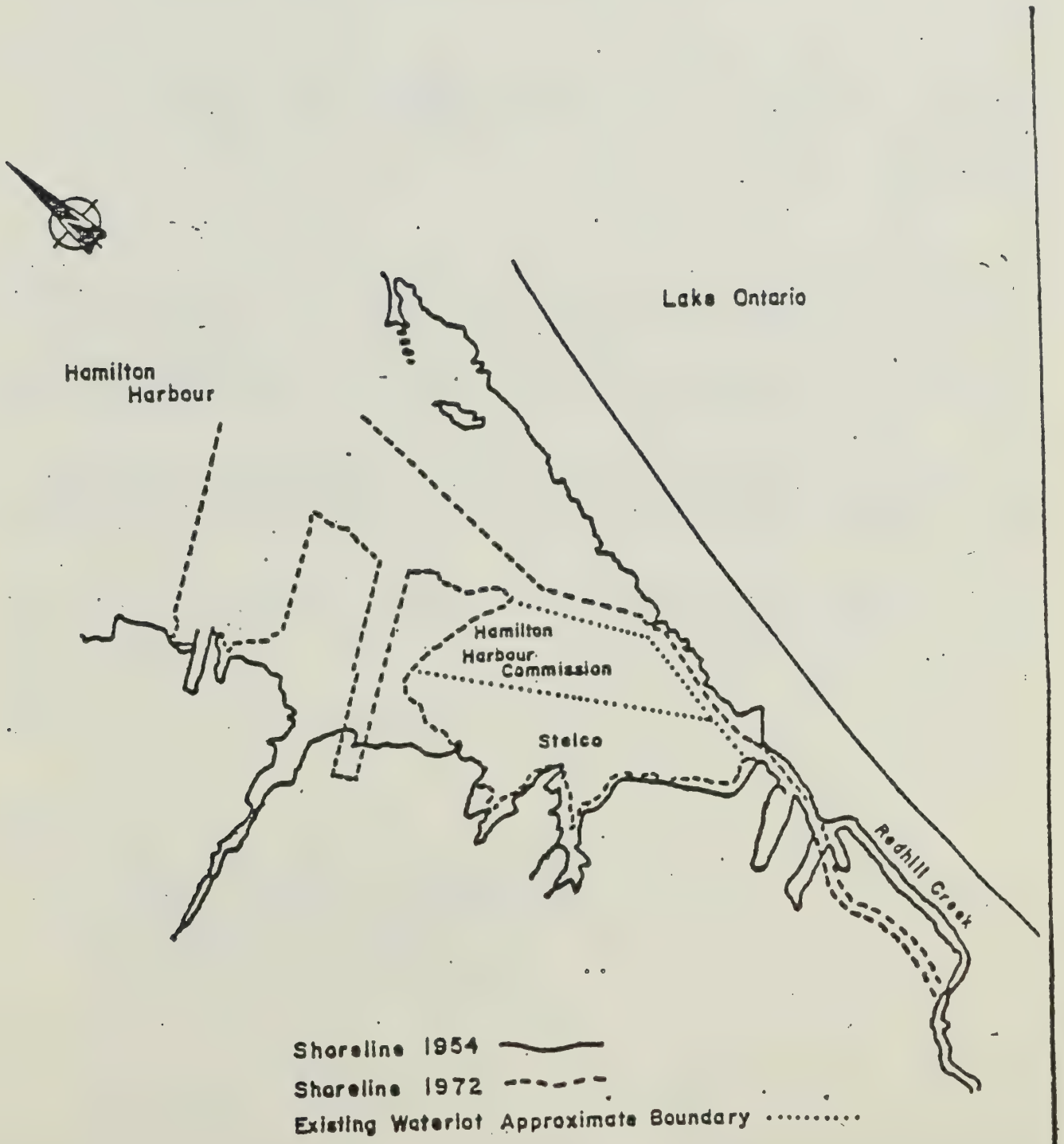

Lake Ontario
Hamilton Harbour
Hamilton Harbour Commission
Stelco
Redhill Creek
Shoreline 1954
Shoreline 1972
Existing Waterlot Approximate Boundary

Corporation of the City of H

(f.)

Memorandum

****

TO: Mr. E. M. Gill, Acting Commissioner
Attn: G. Aston

FROM: Mr. J. J. Schatz, Acting Secretary
Transport and Environment Committee

OUR FILE:
PHONE: 546-2727

SUBJECT: WINDERMERE BASIN REHABILITATION PROJECT

DATE: 1990 March 8

Please be advised that your report dated March 2, 1990 recommending approval of an increase of $107 000 for the City's share of the increased costs for the Windermere Basin Rehabilitation Project was tabled by the Transport and Environment Committee at its meeting on Monday, March 5, 1990 pending the agreement between the City and the Hamilton Harbour Commission of a process to be followed to determine ownership and use of the newly created lots.

In this regard, the Committee directed that a report be prepared containing all background information relative to this project and in particualr any position taken by the Committee and/or Council relative to the eventual ownership and use of these lots.

In addition, the Committee requested that copies of all reports from the Hamilton Harbour Commissioners relative to the proposed cost increase be made available to the Committee.

JJS/dg

c.c.: L. Sage, Chief Administrative Officer
P. Campea, Department of Engineering
T. Engelbrecht, Department of Engineering
E. C. Matthews, City Treasurer
P. Hooker, Acting City Solicitor

F O R A C T I O N

REPORT TO: SECRETARY
TRANSPORT AND ENVIRONMENT COMMITTEE

FROM: E.M. Gill, P.Eng.
ACTING COMMISSIONER OF ENGINEERING

Date: 1990 March 2
Comm File:
Dept File: G71-01
823-55

SUBJECT

Windermere Basin Rehabilitation Project

RECOMMENDATION

1. That the City of Hamilton cost share in the amount of $107,000 towards the increased cost of the Windermere Rehabilitation Project, subject to the other funding partners agreeing to also cost share in the increased cost; and,

2. That this report be forwarded to the Finance and Administration Committee to recommend a method of financing.

Ted Gill

E.M. Gill, P.Eng.
Acting Commissioner of Engineering

FINANCIAL IMPLICATIONS

Approved Appropriation	$750,000
Increased Berm Construction Cost (City's Share)	107,000
Total Estimated Cost	$857,000
Approved Appropriation	750,000
Additional Funds Required	$107,000

Continued . . .

Windermere Basin Rehabilitation Project

Continued . . .

BACKGROUND

At the meeting of April 26, 1988, Council approved the funding agreement for the Windermere Basin Rehabilitation Project.

Based on the funding agreement, the partners (City of Hamilton, Hamilton-Wentworth Region, the Hamilton Harbour Commissioners, the Federal Government and the Province of Ontario) agreed to undertake the clean-up of the Windermere Basin, with the Hamilton Harbour Commissioners acting as Project Manager.

Due to the magnitude and complexity of the project, and the expertise needed for this project Public Works Canada, were engaged by the Hamilton Harbour Commissioners to call tenders, and provide Contract Administration services on behalf of the Hamilton Harbour Commissioners.

Tenders were called and administered by Public Works Canada to clean-up the existing extreme siltation conditions. This was undertaken through a scheme of partial dredging and removal of sediment, and depositing the sediment in confined areas by constructing protective berms. These berms are located within the limits of the Windermere Basin area, with a view to creating usable land and maximizing the resulting area of open water within the basin.

Work commenced on November 14, 1988, and continued through to February 24, 1990, with the majority of the work being done by S. McNally and Sons.

As yet to be completed is the landscaping, vegetation, tree planting and construction of rip-rap walls to prevent erosion of the berms. This work is expected to be completed during 1990 and 1991.

Continued . . .

Windermere Basin Rehabilitation Project

In accordance with the funding agreement, the cost of this project was to be shared on the following basis:

Hamilton-Wentworth Region	(16.7%)	$ 750,000.00
City of Hamilton	(16.7%)	750,000.00
Environment Canada	(27.8%)	1,250,000.00
Province of Ontario	(27.8%)	1,250,000.00
The Hamilton Harbour Commissioners	(11.0%)	500,000.00
		$4,500,000.00

We have been advised by the Hamilton harbour Commissioners, the Project Manager, that in order to complete this project an additional $731,803.23 will be required.

The increased cost has resulted from increased quantities of fill required to construct the berms, and associated time delays with the supply of clean fill material from ongoing construction projects.

Environment Canada, the Province of Ontario, and the Hamilton Harbour Commissioners will also commit to funding the increased cost provided that the Region and City of Hamilton commit to cost sharing of the increased cost.

As a result of the increased construction cost, the funding partners are being requested to provide additional funding, as follows.

Hamilton-Wentworth Region	(14.6%)	$ 106,638.21
City of Hamilton	(14.6%)	106,638.21
Environment Canada	(24.3%)	177,730.34
Province of Ontario	(24.3%)	177,730.34
Hamilton Harbour Commissioners	(22.2%)	163,066.13
Total Increased Cost		$ 731,803.23

TRE:clc

vii) Council will encourage high-density Residential redevelopments which utilize innovative design alternative apartment structure, while maintaining desirable standards and landscaping;

viii) Council will encourage mixed Commercial/Residential redevelopments within the Central Policy Area and Co SPECIAL POLICY AREA 3, subject to the General Provisions of Subsection A.2.2; (O.P.A. No. 27)

ix) It is the intent of Council to encourage property owners to rehabilitate deteriorating housing, where feasible, through the available provincial and federal assistance programs;

x) To ensure protection of the Residential amenity and living environment, Council will endeavour to reroute through traffic away from Residential areas. Any efforts in this regard will be made in conjunction with any related traffic system investigations for the Central Policy Area;

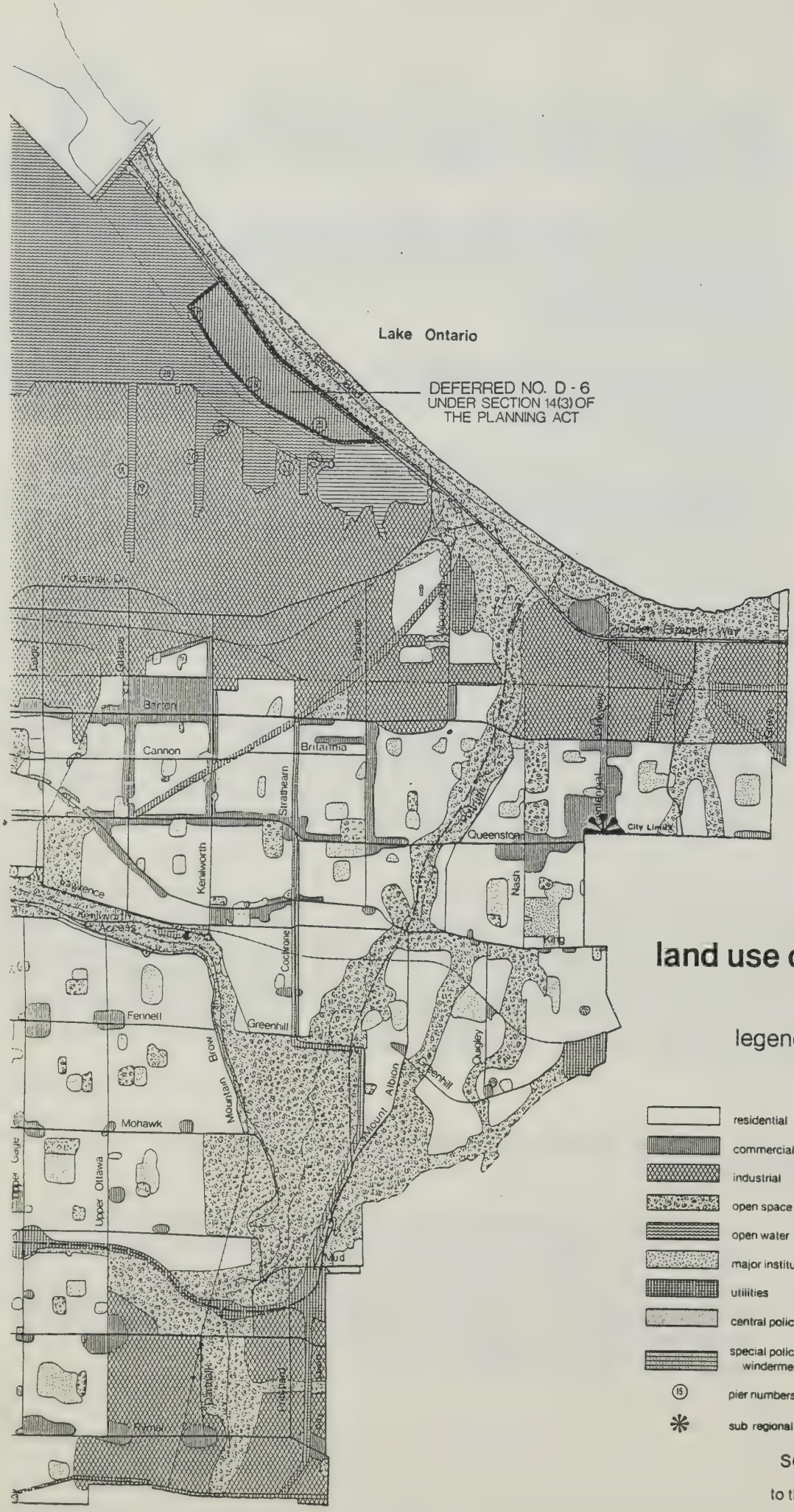
xi) Priority should be given to providing a network of parks and pathways, throughout this AREA and linking the Central Policy Area, to give pedestrians and cyclists a convenient way to move about; and,

xii) To enhance the quality of a high density Residential and Commercial/Residential development, Council may, where deemed appropriate, permit additional Residential density, where the proponent provides landscaped areas in excess of the Zoning By- law provisions, in accordance with Subsection D.3 of the Plan. (O.P.A. No. 15)

2.9.3.2 The Windermere Basin, which is indicated on Schedule "A" and is shown as SPECIAL POLICY AREA 4 on Schedule "B", is established as an area subject to detailed special study by the appropriate agencies and water- lot owners concerned in order to determine the most appropriate use of the Basin in the Official Plan. Council will, upon review of the findings and recommendations of such studies as may be carried out, consider an appropriate designation and initiate an amendment to this Plan.

2.9.3.3 The following policies will apply within the area shown on Schedule "B" as SPECIAL POLICY AREA 5:

i) In addition to the permitted uses for Open Space as set out in Subsection A.2.4, for those lands within SPECIAL POLICY AREA 5, the following water oriented uses will be permitted and encouraged: marinas; related clubhouses; maintenance, repair and storage facilities; commercial uses such as, but not limited to, seafood restaurants, cafes; selected goods shops or other small-scale Commercial uses that serve to



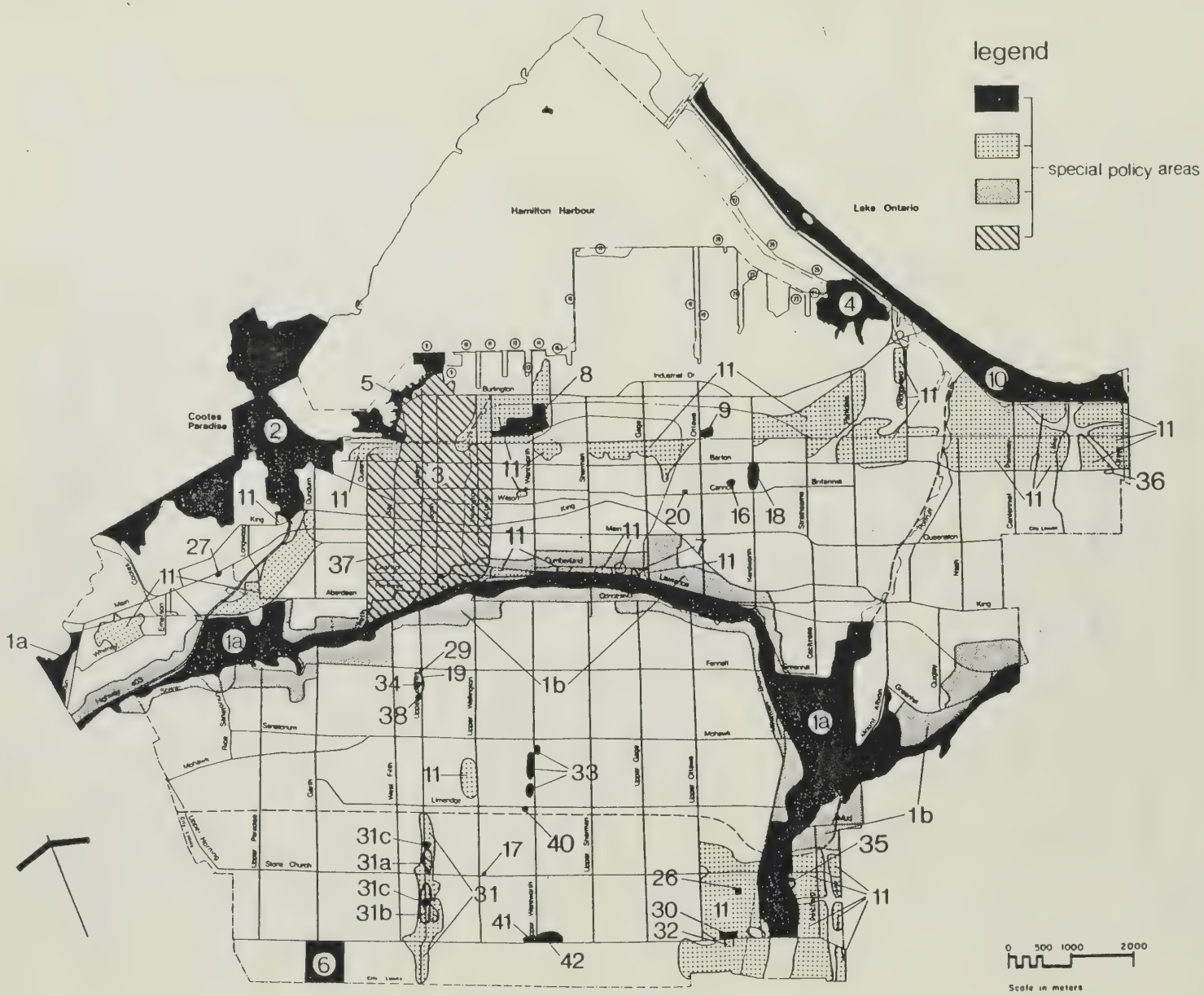
land use concept

legend

- residential
- commercial
- industrial
- open space
- open water
- major institutional
- utilities
- central policy area
- special policy area: windermere basin
- (15) pier numbers
- * sub regional centre

schedule A

to the official plan
for
the city of hamilton



special policy areas

AREA	REFER TO SUBSECTION
1(a)	A.2.9.1.
1(b)	A.2.9.1.
2	A.2.9.2.
3	A.2.9.3.

AREA	REFER TO POLICY
3	A.2.9.3.1.
4	A.2.9.3.2.
5	A.2.9.3.3.
6	A.2.9.3.4.
7	A.2.9.3.5.
8	A.2.9.3.6.
9	A.2.9.3.7.
10	A.2.9.3.8.
11	A.2.9.3.9.
16	A.2.9.3.14.
17	A.2.9.3.15.
18	A.2.9.3.16.
19	A.2.9.3.17.
20	A.2.9.3.18.
26	A.2.9.3.21.
27	A.2.9.3.22.
29	A.2.9.3.24.
30	A.2.9.3.25.
31	A.2.9.3.26.
31(a)	A.2.9.3.26.
31(b)	A.2.9.3.26.
31(c)	A.2.9.3.26.
32	A.2.9.3.27.
33	A.2.9.3.28.
34	A.2.9.3.29.
35	A.2.9.3.30.
36	A.2.9.3.31.
37	A.2.9.3.32.
38	A.2.9.3.33.
40	A.2.9.3.35.
41	A.2.9.3.36
42	A.2.9.3.37

Refer to Schedule B - 1 for Special Policy Areas in the Downtown

schedule B

to the official plan
for
the city of hamilton

89 02 28

HARBOUR OFFICIAL PLAN

AMENDMENT No. 318 TO THE OFFICIAL PLAN OF THE CITY OF HAMILTON PLANNING AREA

SCHEDULE 1

To By-law No. 79 - 83
(passed March 13, 1979)

PREPARED FOR

THE CITY OF HAMILTON

BY THE

PLANNING AND DEVELOPMENT DEPARTMENT
OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

JANUARY, 1979

SECTION TWO

POLICIES

THE GOALS AND OBJECTIVES STATEMENTS, THE SCHEDULES, THE DEFINITIONS, AND STANDARDS COMPRISE THE POLICIES OF THE AMENDMENT, WHICH, TOGETHER WITH SECTION ONE AND THE SCHEDULES, CONSTITUTE THE OFFICIAL PLAN FOR THE HARBOUR AREA OF THE CITY OF HAMILTON.

Establish the Windemere Basin as an area subject to, and initiate, a detailed special study by the appropriate agencies and water-lot owners concerned, to determine the most appropriate designation of the Windemere Basin in the Official Plan. 2.2.1(4)

Initiate a detailed investigation into the prospect of relocating the Canadian National Railway yard beneath Dundurn Castle to another suitable location. 2.2.1(5)

Recognize that the results of the Residential Enclave Study determined the basis for the Restricted-Industrial land use designation. 2.2.1(6)

Eliminate those residential enclaves that lack sufficient amenities to warrant their continuation in industrial areas as recommended in the Enclave Study. 2.2.1(7)

Protect and promote those residential enclaves that exhibit characteristics indicative of a viable neighbourhood as recommended in the Enclave Study. 2.2.1(8)

Establish a two-way communications channel that will continue to monitor those interests which require a harbour location for their welfare. 2.2.1(9)

Encourage more intense and efficient use of the industrial lands associated with the waterfront. 2.2.1(10)

It shall be the intent of Council that the use of any lands as may be created by further land fill from Pier 17 to the western side of Pier 23, and excluding the Windemere Basin, in existing open water areas exempted from Ontario Regulation 118/70, be for Industrial purposes as defined in this plan. 2.2.1(11)

OBJECTIVE II

Provide effective buffering between incompatible uses. 2.2.2

IMPLEMENTATION POLICY

Require buffering between incompatible uses for mediating zoning (e.g. Restricted Industry, Utility Corridor or Open Space zoning between Industry and Residential), increased yards, landscaping and like measures under Development Control which provide psychological relief or aesthetic appeal. 2.2.2(1)

OBJECTIVE III

Preserve waterfront structures of historical or cultural significance. 2.2.3

SECTION THREE

APPENDIX

THE APPENDIX IS NOT PART OF THE OFFICIAL PLAN. THE PURPOSE OF THIS APPENDIX IS TO MAKE AVAILABLE TO THE READER SOME OF THE INTERESTING SUPPORTIVE BACKGROUND MATERIAL WHICH WOULD MAKE THE STUDY OF THE OFFICIAL PLAN MORE MEANINGFUL.

vi) It is not popular as a sailing area as evidenced by week-end sailing patterns and this would most probably render the area an equally doubtful location for mooring facilities.

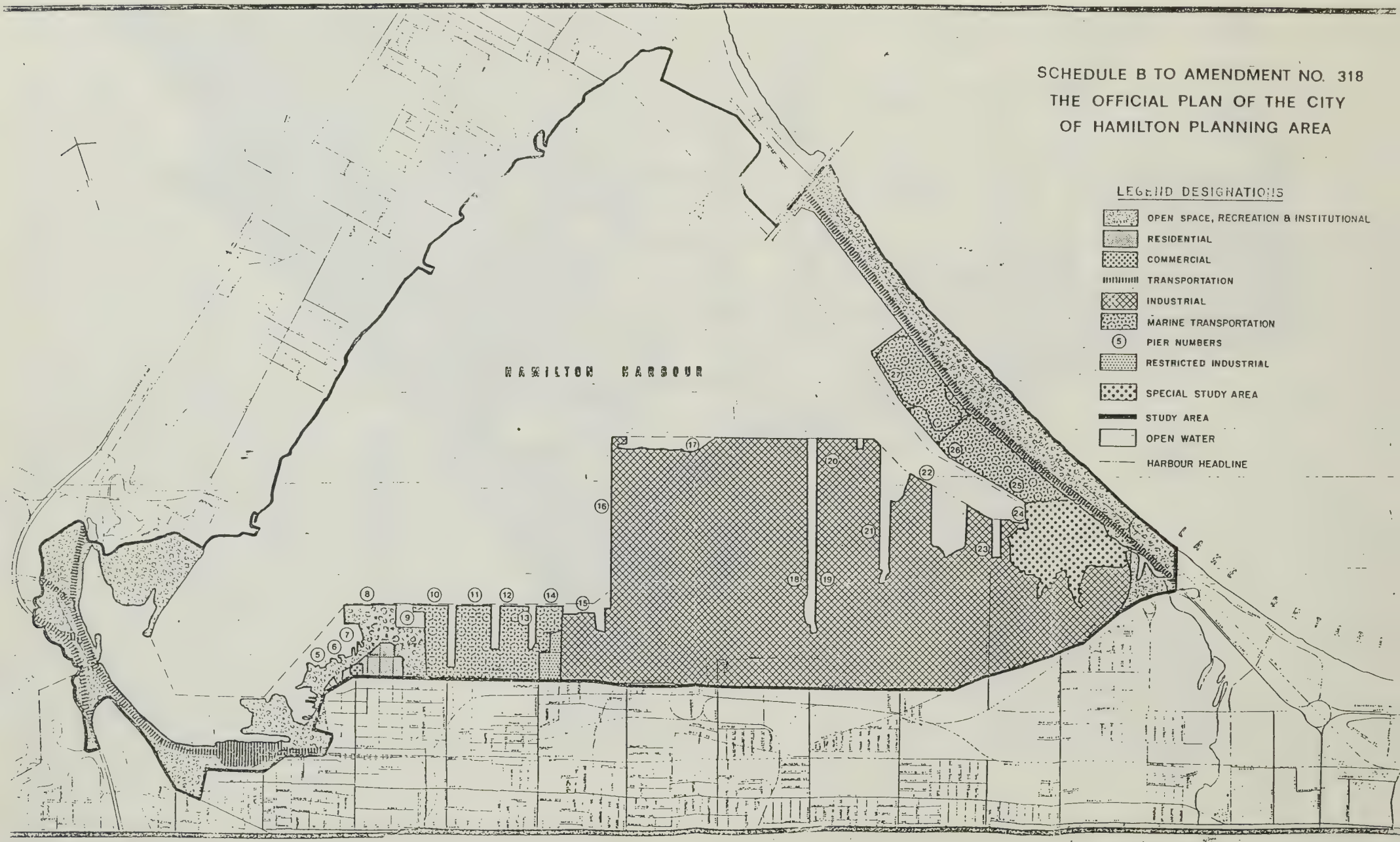
vii) Lack of back-up space for related functions such as parking, launching, storage, and repairs is another questionable factor.

Piers 25, 26 and 27 are presently separated from the Beach Strip by the Q.E.W. If the transportation corridor along the bay side of the Beach Strip as envisaged by the Ministry of Transport and Communications materializes, this area will become further dis-associated. The transportation corridor stresses landscaping and buffering techniques and should complement those of this transportation area. As well, research by the Metropolitan Toronto Conservation Authority indicates that pedestrian flyovers or underpasses of the scale necessary to connect this area with the Beach Strip are more often than not, avoided by their intended users. This observation, together with the areas proximity to some of the harbour's lesser aesthetic conditions discounts this location's priority for open space and recreational development.

It is therefore proposed that Piers 25 to 27 in their entirety be utilized for Marine Transportation purposes to accommodate the continued growth of Hamilton Harbour as a major North American port facility.

D - Windemere Basin

While in past years the Windemere Basin has acted to stabilize effluent from the Regional Sewage Treatment Plant, the current effectiveness of this function is now in doubt. Appropriate courses of action for the protection of harbour water quality, possibly ranging from the dredging of the Basin to the construction of a tertiary treatment facility, have as yet not been fully investigated. For this reason, it has been proposed that the Basin be identified in the Official Plan as the subject of special study to better determine its best long term use and those actions required to achieve that best use. It is intended the City act to initiate this special study in co-operation with such agencies as the Regional Laboratories, the Ministry of the Environment, the Hamilton Harbour Commissioners and the Hamilton Region Conservation Authority as well as the Steel Company of Canada, which owns a water lot comprising much of the Basin.


SCHEDULE B TO AMENDMENT NO. 318
THE OFFICIAL PLAN OF THE CITY
OF HAMILTON PLANNING AREA
LEGEND DESIGNATIONS
OPEN SPACE, RECREATION & INSTITUTIONAL
RESIDENTIAL
COMMERCIAL
TRANSPORTATION
INDUSTRIAL
MARINE TRANSPORTATION
PIER NUMBERS
RESTRICTED INDUSTRIAL
SPECIAL STUDY AREA
STUDY AREA
OPEN WATER
HARBOUR HEADLINE
HAMILTON HARBOUR
LAKE ONTARIO
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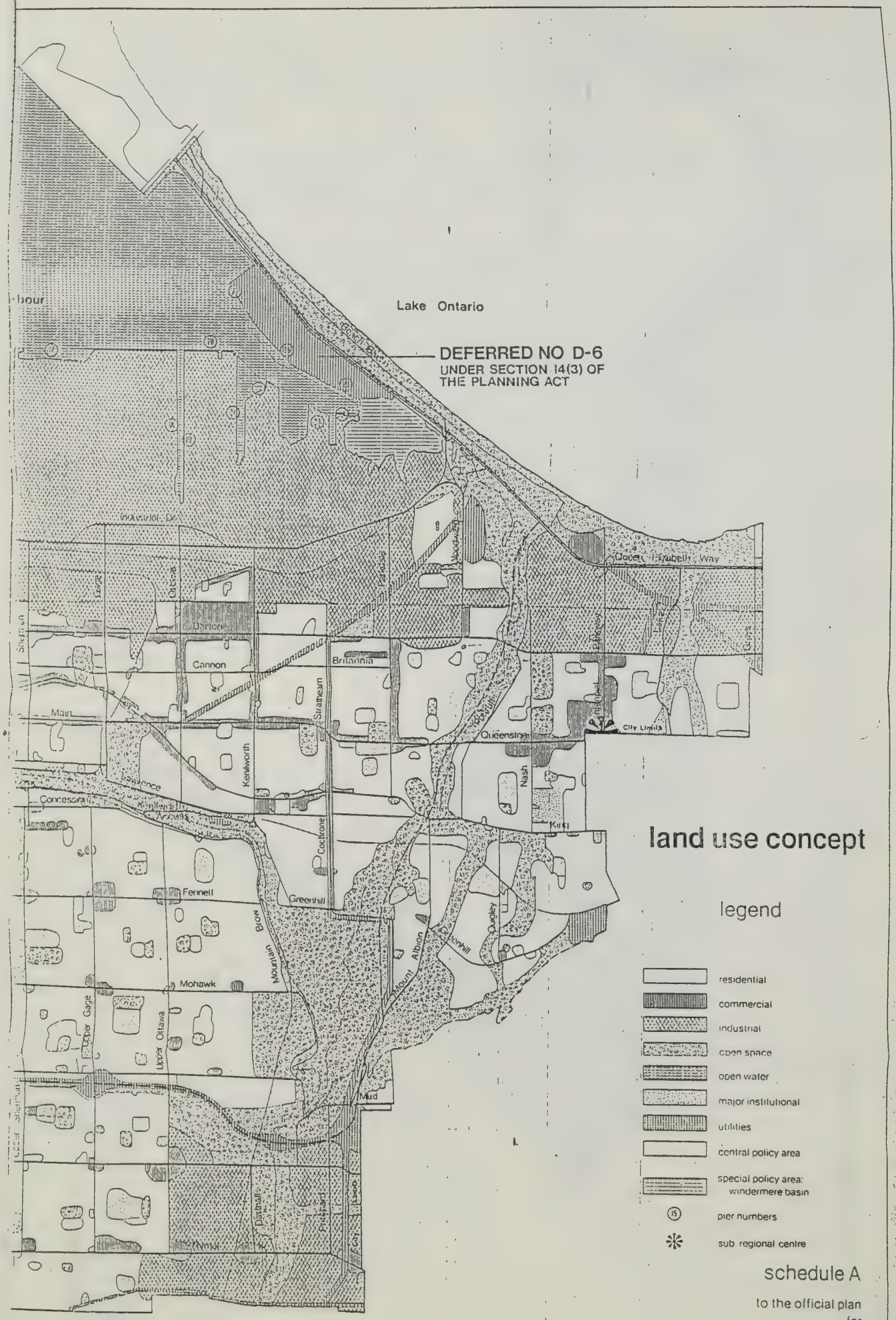
Schedule


Lake Ontario
DEFERRED NO D-6
UNDER SECTION 14(3) OF
THE PLANNING ACT
Cannon
Britannia
Queenston
Fennell
Mohawk
Greenhill
Mud
Kirkl
Nash
Cochrane
Strathcona
Kenilworth
Mountain
Mount Albion
Upper Ottawa
Upper Gage
Ottawa
Barton
Main
Concession
City Limits
land use concept
legend
residential
commercial
industrial
open space
open water
major institutional
utilities
central policy area
special policy area:
windermere basin
pier numbers
sub regional centre
schedule A
to the official plan
for
the city of hamilton
FEB. 12/90

CITY OF HAMILTON

OFFICIAL PLAN

Prepared by:

PLANNING AND DEVELOPMENT DEPARTMENT
of the Regional Municipality of Hamilton-Wentworth

June 1989

K.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK

Urban Municipal
Librarian/Central
Library

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

TEL: 546-2700
FAX: 546-2095

~~1990 August 27th~~

Mr. E. W. Kowalski, Director of Community Development
Mr. S. Ghanem, Director of Economic Development
Mr. T. Gill, Acting Engineering Commissioner
Attention: Mr. K. Brenner
Mr. M. Main, Director of Traffic Services
Attention: Mr. R. Karl
Ms. Diana Pasko, Planning Department
Mr. E.G. Beres, Regional Assessment Commissioner
Urban Municipal Librarian, Central Library

Attached herewith are the minutes of the Planning and Development Committee meetings held Wednesday, 1990 July 25th and Tuesday, 1990 July 31st.

These minutes were approved by the Committee at its meeting held Wednesday, 1990 August 22nd.

Yours very truly,

Susan K. Reeder

Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

Attch's.
c.c.'s - Manager, C.M.H.C.
- Hamilton & District Chamber of Commerce
Attention: Kathy Drewitt
- Mr. V. Mauceri, Manager, Research Dept., H.S.R.
- Mr. Paul E. Shewfelt, Board of Education
- Mr. Douglas Kelterborn, Board of Education
- Mr. T. Cupido, Superintendent of Plant, Hamilton Separate School Board
- Mr. M. D. Crowley, Southam Communications Ltd.
- Mr. D. Miller, Canada Life, London, Ontario
- Durand Neighbourhood, c/o Ruth Morrison
- Mr. Rob Hager, Research Statistican, Oshawa Foods

Wednesday, 1990 July 25
9:00 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman J. Smith, Chairman
Mayor Morrow
Alderman Kiss
Alderman McCulloch
Alderman Drury
Alderman Christopherson
Alderman Merling
Alderman Ross

Absent: Alderman Lombardo - Vacation

Also present: Alderman Hinkley
Alderman Agro
Alderman Jackson
Alderman Copps
Mr. L. Sage, Chief Administrative Officer
Mr. Kelterborn, Board of Education
Mr. E. Matthews, City Treasurer
Mr. A. Georgieff, Director of Local Planning
Mr. R. Karl, Traffic Department
Mr. J. Robinson, Community Development Department
Ms. J. McNeilly, Community Development Department
Mr. B. Allick, Building Department
Ms. P. Noé Johnson, City Solicitor
Mr. P. Lampman, Building Department
Mr. K. Brenner, Regional Engineering Department
Mr. J. Sakala, Planning Department
Mrs. C. Floroff, Planning Department
Mr. P. Mallard, Planning Department
Mr. A. Little, Planning Department
Mr. C. Firth-Eagland, Public Works Department
Mr. Forsyth, Chairman, C.A.P.I.C.
Mrs. Lynn Dale, Acting Secretary

CONSENT AGENDA

The Committee adopted the Consent Agenda as follows:

MINUTES

The minutes of the Planning and Development Committee meetings held 1990 May 23 and 1990 June 20 were received and adopted as circulated to the members of the Committee.

DIRECTOR OF COMMUNITY DEVELOPMENT

COMMERCIAL FACADE LOAN PROGRAMME APPLICATIONS

As outlined in a report dated 1990 July 3, from the Director of Community Development the Committee approved the following recommendation:

> That a repayable loan under the Commercial Facade Loan Programme, in the amount of fourteen thousand, seven hundred and ninety-four dollars ($14,794.) be approved for 411-413 Barton Street East, Maria & Salvatore Mancuso. The interest rate will be 7-3/8 percent, amortized over 10 years.

As outlined in a report dated 1990 July 3, from the Director of Community Development the Committee approved the following recommendation:

> That a repayable loan under the Commercial Facade Loan Programme, in the amount of twenty-five thousand, nine hundred and eighty-eight dollars ($25,988.) be approved for 407-409 Barton Street East, Maria & Salvatore Mancuso. The interest rate will be 7-3/8 percent, amortized over 10 years.

CITY OF HAMILTON HERITAGE PROGRAMME APPLICATION

As outlined in a report dated 1990 July 11, from the Director of Community Development the Committee approved the following recommendation:

That the Designated Property Grant in the amount of $250. approved in 1989 be rescinded and the following substituted:

(a) That a repayable loan under the Community Heritage Trust Fund in the amount of eight hundred and thirty dollars ($830.) be approved for Helen Kirkpatrick and Thomas Baker, 256-258 MacNab Street North, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of eight hundred and thirty dollars ($830.) be provided to Helen Kirkpatrick and Thomas Baker, 256-258 MacNab Street North, Hamilton.

ACTING COMMISSIONER OF ENGINEERING

CASH PAYMENT IN LIEU OF 5% PARKLAND DEDICATION - SOUTH HILL SUBDIVISION

As outlined in a report dated 1990 June 28, from the Acting Commissioner of Engineering the Committee approved the following recommendation:

That the City of Hamilton accept the sum of $87,320. as cash payment in lieu of the 5% dedication in connection with South Hill Subdivision, Hamilton, this being the cash requirement under Section 50 of the Planning Act.

NOTE: These lands are located west of Upper James Street and south of Rymal Road West in the Kennedy East Neighbourhood, Hamilton.

DIRECTOR OF LOCAL PLANNING

PROPOSED DRAFT PLAN OF CONDOMINIUM

The Committee was in receipt of a report dated 1990 June 26, from the Commissioner of Planning and Development and approved the following recommendation:

That approval be given to application 25CDM-90003, Mahabir Homes Limited, owner, to establish a draft plan of condominium located at the south side of Limeridge Road East, west of Upper Wentworth Street, subject to the following:

(a) That this approval apply to the plan prepared by A. T. McLaren Limited, dated 1990 January 8, showing 26 townhouse units.

(b) That the owner satisfy the financial requirements of the Regional Municipality of Hamilton-Wentworth.

BUILDING COMMISSIONER

DEMOLITION PERMIT APPLICATIONS

Alderman Christopherson thanked the Building Commissioner for the new format of reports regarding demolition permits.

The Committee was in receipt of reports dated 1990 July 9, from the Building Commissioner concerning demolition and approved the following recommendations:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

(a) 783 Concession Street

(b) 785 Concession Street

(c) 791 Concession Street

(d) 99 Alpine Avenue

(e) 592 Stone Church Road East

The Committee agreed to move to Item 10 of the Agenda due to conflicting commitments on behalf of Staff that were required for this Item.

ALDERMAN ROSS

WALKWAYS

Alderman Ross appeared before the Committee to discuss the size and maintenance of walkways. Alderman Ross expressed concern over the narrow width of many walkways throughout the City. Further, narrow walkways usually create maintenance problems. Alderman Ross stressed the need for the City to maintain these walkways and that funds be placed in the appropriate budgets.

The Committee discussed the fact that they can deal with the size of the walkways which is a Planning matter, however, the maintenance, etc. would have to be dealt with by the Transport and Environment Committee. The Committee discussed the fact that the Transport and Environment Committee has no money in the budget for maintenance and that possibly money should be set aside by developers for future maintenance.

The Committee emphasised the need for a higher level of maintenance and approved the following recommendation:

(a) That the Transport and Environment Committee be requested to review the level of maintenance of walkways with a view to recommending a higher level of maintenance in future with respect to weed control, garbage collection and snow removal;

(b) That the Staff be requested to send the Transport and Environment Committee report respecting this matter to the Planning and Development Committee for their information.

The Committee agreed that Item 3., a Private and Confidential matter would be dealt with later on in the Agenda.

DIRECTOR OF COMMUNITY DEVELOPMENT

SECOND ANNUAL BUSINESS DEVELOPMENT SEMINAR 1990

The Committee was in receipt of a report dated 1990 July 18, from the Director of Community Development and approved the following recommendation:

That, the 1990 Business Development Seminar be held 1990 October 23 at the Royal Connaught Hotel at an estimated cost of ten thousand dollars ($10,000.).

NOTE: A sponsorship programme with anticipation of reducing the cost substantially to the City of Hamilton has been introduced. Last year's expenditure amounted to eight thousand, seven hundred and eighty-five dollars ($8,785.) which did not include sponsorship. Funds available in the Downtown Action Plan Phase IV, Account No. CF5698-428803006.

CENTRAL/BEASLEY - PROGRAMME FOR RENEWAL, IMPROVEMENT, DEVELOPMENT AND ECONOMIC REVITALIZATION (P.R.I.D.E.); 1990-1991 PROVINCIAL ALLOCATION.

The Committee was in receipt of a report dated 1990 July 12, from the Director of Community Development. The Committee discussed the boundaries of the P.R.I.D.E. area, and why they had been chosen. After discussion the Committee approved the following recommendation:

That the Central/Beasley Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.) be proceeded with at an estimated gross cost of six hundred and twenty-seven thousand ($627,000.) 50% ($313,500.) Provincial and 50% ($313,500.) Municipal as provided for in the 1990-1994 Capital Budget.

STATUS REPORT - CROWN POINT WEST/STIPELEY PROGRAMME FOR RENEWAL, IMPROVEMENT, DEVELOPMENT, AND ECONOMIC REVITALIZATION (P.R.I.D.E.) PHASE II.

The Committee was in receipt of a report dated 1990 July 13, from the Director of Community Development with respect to the Crown Point West/Stipeley P.R.I.D.E. Programme Phase II and agreed to receive for their information the report.

DIRECTOR OF PROPERTY

TERMINATION OF LEGAL ACTION BY THE CITY OF HAMILTON AGAINST D. S. SAVAGE INDUSTRIAL SALES LIMITED.

The Committee was in receipt of a report dated 1990 July 13, from the Director of Property and approved the following recommendation:

That the City of Hamilton dismiss the action against D. B. Savage Industrial Sales Limited subject to the following terms:

(a) That D. B. Savage pay all legal and other costs namely,

	$3,865.00	City Solicitor's Department
	500.00	Real Estate Division
Total	$4,365.00	

(b) That all arrears and property taxes be paid up to date.

(c) (i) That D. B. Savage execute a Full and Final Release in favour of the City in a form satisfactory to the City Solicitor.

(ii) That Minutes of Settlement be executed between the City and D. B. Savage reflecting the terms above and allowing for an Order dismissing the action upon completion of settlement.

ACTING COMMISSIONER OF ENGINEERING

RELEASE OF MAINTENANCE EASEMENT AT 310 CRERAR DRIVE, LOT 28, "AQUILA PLACE" SUBDIVISION PLAN 62M-425.

The Committee was in receipt of a report dated 1990 July 12, from the Acting Commissioner of Engineering and approved the following recommendation;

That the Mayor and City Clerk be authorized to execute an amendment to the subdivision agreement for Aquila Place - Phase 1, Registered Plan 62M-425, deleting the requirement for maintenance easements, which amendment is to be prepared by the City Solicitor.

The Committee agreed to table Item 9. until the Mayor had an opportunity to appear before the Committee.

ALDERMAN BRIAN HINKLEY

FERGUSON AVENUE BETWEEN MAIN STREET AND WILSON STREET.

The Committee was in receipt of a report dated 1990 July 13, from Alderman Hinkley concerning Ferguson Avenue between Main Street and Wilson Street.

A copy of an Information Report dated 1990 July 17, from the Commissioner of Planning was distributed to the Committee for their information.

Alderman Hinkley appeared before the Committee to discuss concerns regarding Ferguson Avenue and how under-utilized this area is. Alderman Hinkley went on to indicate that he has received positive feed-back from people in the area and his hope is that Ferguson Avenue would be given a higher priority in the development process. Further, that any redevelopment would not be delayed because of the railway line. Alderman Hinkley expressed concern that all groups be involved including the B.I.A.'s.

The Committee was advised by the Director of Local Planning that C.A.P.I.C. has identified this as a high priority area. The Committee discussed this area in relation to the Beasely P.R.I.D.E. area and the Downtown Action Plan. Concern was expressed that a number of groups are looking at this area and that Ferguson Avenue should be given high priority and dealt with separately.

Mary Pocius from International Village appeared before the Committee and supported Alderman Hinkley's suggestion that Ferguson Avenue indeed is an important area and the need for the necessary studies to go forward at this time.

Mr. Forsyth, Chairman of C.A.P.I.C. also addressed the Committee indicating that C.A.P.I.C. is looking at this area and that Ferguson Avenue has tremendous potential.

After considerable discussion the Committee approved the following recommendation:

(a) That a comprehensive study be conducted to review the potential of Ferguson Avenue, north of Main Street and surrounding area for redevelopment and streetscaping;

(b) That this recommendation be forwarded to the Downtown Action Plan Co-ordinating Committee with a view to establishing an Ad Hoc Committee.

Further the Committee requested that all interested parties should be invited to a meeting to discuss the formation of this Committee and that the Planning and Development Committee be kept advised of the progress of this study as well as Alderman Hinkley and the Ward Aldermen.

DELEGATIONS

ALDERMAN VINCE AGRO

SOUTH LEG OF KING STREET BETWEEN JAMES AND JOHN STREETS

The Committee was in receipt of a report dated 1990 April 19, from the Director of Traffic Services as well as numerous submissions from various groups and organizations concerning the south leg of King Street between James and John Streets.

Alderman Agro appeared before the Committee with Mr. Scarfone who is the Legal Representative for Mr. David Lee, Southside Men Shop. Alderman Agro addressed the Committee concerning the history of this area and the need for the area to be opened up to vehicular traffic. Mr. Scarfone addressed the Committee on behalf of his client reiterating Alderman Agro's concerns and the urgent need to re-open this area for vehicular traffic.

Mr. Gabriele Etele appeared before the Committee on behalf of the Downtown B.I.A. indicating that this was an on-going issue and that he would request additional time in order to go back to his Board of Directors to discuss this matter.

After considerable discussion the Committee agreed to:

(a) **Table** this matter in order to provide the B.I.A. and all interested groups an opportunity to review the issue.

(b) That the matter would be brought back to the Planning and Development Committee for the September meeting.

(c) That all interested players would be invited to attend this meeting to discuss the matter in further detail.

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE AND URBAN DESIGN COMMITTEE

INCLUSION OF LANDS LOCATED IN THE CENTRAL AREA PLAN UNDER SITE PLAN CONTROL

The Committee was in receipt of a report dated 1990 July 30, from the Urban Design Committee and C.A.P.I.C, as well as a report dated 1990 July 18, from the Commissioner of Planning and Development Department with respect to a proposal to include lands located in the Central Area under Site Plan Control.

Mr. Charles Forysth, Chairperson, C.A.P.I.C. addressed the Committee in order to provide additional information with respect to this request.

The Committee discussed the fact that this would bring everything under consistent controls and would assist future development. The Committee discussed the boundaries of the Central Area Plan and the Central Business District. The Committee suggested that consideration should be given to expanding the Central Business District. Mr. Georgieff, Director of Local Planning advised the Committee that the Central Business District Study is reviewing this particular matter.

After discussion, the Committee approved the following recommendation:

(a) That Site Plan Control By-laws No. 87-223 and No. 79-275, be amended to include the lands located in the Central Area (lands bounded by Hamilton Harbour, the Niagara Escarpment, Queen Street and Victoria Avenue) and that the City Solicitor be directed to prepare the necessary amendment.

(b) That the policy adopted by City Council on 1982 October 26, pertaining to Site Plan Control procedures be amended to include the following classes as minor in nature and be exempted from Site Plan Control procedures:

(i) pools;
(ii) solarium/greenhouse additions;
(iii) deck and verandah additions.

(c) That the number and type of developments requiring Site Plan Control Applications, be monitored and reviewed at the end of 1990 for the purpose of assessing the implications that the addition of the Central Area, Main Street West and Centennial Parkway within Site Plan Control, has placed on staff resources.

NOTE: The purpose of the proposed amendment to the By-laws, is to include the lands located in the Central Area under Site Plan Control. Proponents of development proposed within the area bounded by Hamilton Harbour, the Niagara Escarpment, Queen Street and Victoria Avenue would be required to submit various plans for approval. This action is based on a recommendation of the Central Area Plan adopted by City Council on 1988 October 11, and as concurred by both C.A.P.I.C. and the Urban Design Committee.

URBAN DESIGN COMMITTEE

BENCH ADVERTISING

The Committee was in receipt of a report dated 1990 July 3, from Alderman J. Smith, Chairperson, Urban Design Committee and approved that the following recommendation be submitted to the Transport and Environment Committee:

(a) That the following three categories of bench types and location be established:

(i) Bench Type: current benches advertising.

Location: In commercial & industrial districts.

(ii) Bench Type: benches with discreet advertising in the form of a plaque (e.g. this bench donated by...) on letters burned into the wooden back.

Location: (1.) in parks-fronting main streets.
(2.) public places - facing out to street.
(3.) residential neighbourhood.

(iii) Bench Type: no advertising.

Location: (1.) historical districts.
(2.) facing into parks.
(3.) public places - facing into space.
(4.) facing designated architectural and/or historical structures.

(b) That for every 6 benches with advertising, 2 benches with discreet advertising and 2 benches with no advertising must be supplied.

DELEGATIONS

ALDERMAN VINCE AGRO

SOUTH LEG OF KING STREET BETWEEN JAMES AND JOHN STREETS

The Committee was in receipt of a report dated 1990 April 19, from the Director of Traffic Services as well as numerous submissions from various groups and organizations concerning the south leg of King Street between James and John Streets.

Alderman Agro appeared before the Committee with Mr. Scarfone who is the Legal Representative for Mr. David Lee, Southside Men Shop. Alderman Agro addressed the Committee concerning the history of this area and the need for the area to be opened up to vehicular traffic. Mr. Scarfone addressed the Committee on behalf of his client reiterating Alderman Agro's concerns and the urgent need to re-open this area for vehicular traffic.

Mr. Gabriele Etele appeared before the Committee on behalf of the Downtown B.I.A. indicating that this was an on-going issue and that he would request additional time in order to go back to his Board of Directors to discuss this matter.

After considerable discussion the Committee agreed to:

(a) **Table** this matter in order to provide the B.I.A. and all interested groups an opportunity to review the issue.

(b) That the matter would be brought back to the Planning and Development Committee for the September meeting.

(c) That all interested players would be invited to attend this meeting to discuss the matter in further detail.

CENTRAL AREA PLAN IMPLEMENTATION COMMITTEE AND URBAN DESIGN COMMITTEE

INCLUSION OF LANDS LOCATED IN THE CENTRAL AREA PLAN UNDER SITE PLAN CONTROL

The Committee was in receipt of a report dated 1990 July 30, from the Urban Design Committee and C.A.P.I.C, as well as a report dated 1990 July 18, from the Commissioner of Planning and Development Department with respect to a proposal to include lands located in the Central Area under Site Plan Control.

Mr. Charles Forysth, Chairperson, C.A.P.I.C. addressed the Committee in order to provide additional information with respect to this request.

The Committee discussed the fact that this would bring everything under consistent controls and would assist future development. The Committee discussed the boundaries of the Central Area Plan and the Central Business District. The Committee suggested that consideration should be given to expanding the Central Business District. Mr. Georgieff, Director of Local Planning advised the Committee that the Central Business District Study is reviewing this particular matter.

After discussion, the Committee approved the following recommendation:

(a) That Site Plan Control By-laws No. 87-223 and No. 79-275, be amended to include the lands located in the Central Area (lands bounded by Hamilton Harbour, the Niagara Escarpment, Queen Street and Victoria Avenue) and that the City Solicitor be directed to prepare the necessary amendment.

(b) That the policy adopted by City Council on 1982 October 26, pertaining to Site Plan Control procedures be amended to include the following classes as minor in nature and be exempted from Site Plan Control procedures:

(i) pools;
(ii) solarium/greenhouse additions;
(iii) deck and verandah additions.

(c) That the number and type of developments requiring Site Plan Control Applications, be monitored and reviewed at the end of 1990 for the purpose of assessing the implications that the addition of the Central Area, Main Street West and Centennial Parkway within Site Plan Control, has placed on staff resources.

NOTE: The purpose of the proposed amendment to the By-laws, is to include the lands located in the Central Area under Site Plan Control. Proponents of development proposed within the area bounded by Hamilton Harbour, the Niagara Escarpment, Queen Street and Victoria Avenue would be required to submit various plans for approval. This action is based on a recommendation of the Central Area Plan adopted by City Council on 1988 October 11, and as concurred by both C.A.P.I.C. and the Urban Design Committee.

URBAN DESIGN COMMITTEE

BENCH ADVERTISING

The Committee was in receipt of a report dated 1990 July 3, from Alderman J. Smith, Chairperson, Urban Design Committee and approved that the following recommendation be submitted to the Transport and Environment Committee:

(a) That the following three categories of bench types and location be established:

(i) Bench Type: current benches advertising.

Location: In commercial & industrial districts.

(ii) Bench Type: benches with discreet advertising in the form of a plaque (e.g. this bench donated by...) on letters burned into the wooden back.

Location: (1.) in parks-fronting main streets.
(2.) public places - facing out to street.
(3.) residential neighbourhood.

(iii) Bench Type: no advertising.

Location: (1.) historical districts.
(2.) facing into parks.
(3.) public places - facing into space.
(4.) facing designated architectural and/or historical structures.

(b) That for every 6 benches with advertising, 2 benches with discreet advertising and 2 benches with no advertising must be supplied.

HAMILTON REHABILITATION PROGRAMME LOAN, (PRIVATE & CONFIDENTIAL

The Committee agreed to move In-Camera to discuss a Private & Confidential matter. The Committee received a report dated 1990 July 18, from the Director of Community Development Department and following an In-Camera discussion approved the following recommendation:

> That the present payments of Mr. T. Doland, 31 Frederick Avenue, under the Hamilton Rehabilitation Programme, continue at 3% until the first 5 years are up. If, at that time, the financial situation has not improved we will review the file and make a recommendation to the Planning and Development Committee that the existing terms continue at 3% interest for another 5 years, rather than reverting to the City's prime lending rate.

COMPREHENSIVE AUDIT - BUILDING DEPARTMENT

The Committee recessed at 10:30 o'clock a.m. and reconveyed at 10:40 o'clock a.m. and approved that the following recommendation be submitted to the Finance and Administration Committee:

(a) That approval be given to proceed with the comprehensive Audit on the Operations and Functions of the Building Department as soon as possible commencing with the Inspection Division as Phase I;

(b) That the Planning and Development Committee review the Terms of Reference for the Audit and be kept advised through progress reports.

At this point the Committee moved to the Council Chambers to hear Zoning Applications.

ZONING APPLICATIONS

ZONING APPLICATION 90-36, CARRIAGE GATES HOMES LTD., PROSPECTIVE OWNERS, FOR A CHANGE IN ZONING FROM "AA" AND "C" TO "R-4" FOR THE REAR LANDS OF 1422 AND 1430 UPPER SHERMAN AVENUE; BUTLER NEIGHBOURHOOD,

The Committee was in receipt of a report dated 1990 July 12, from the Commissioner of Planning and Development respecting rear parts of 1422 and 1430 Upper Sherman Avenue.

The Committee was advised that no replies had been received on the circular. The Committee discussed the status of servicing in the area. After discussion the Committee approved the following recommendation.

> That approval be given to amended Zoning Application 90-36, Carriage Gate Homes Ltd., prospective owners, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District, to permit the development of the subject lands for small lot single-family dwellings, for the property located at the rear parts of 1422 and 1430 Upper Sherman Avenue, as shown on the attached map marked as Appendix "A", on the following basis:
>
> (a) That the lands be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
>
> (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C presentation to City Council;

(c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District, for the property located at the rear parts of 1422 and 1430 Upper Sherman Street.

The effect of the by-law is to permit the development of the subject lands for small lot single-family dwellings.

ZONING APPLICATION 89-99, 658414 ONTARIO INC. (A. LUCIANO, A. DIDIODATO AND A. DIMILLO) OWNER, FOR A MODIFICATION TO THE "M-12" DISTRICT REGULATIONS FOR PROPERTY AT 1515 UPPER OTTAWA STREET; RYMAL NEIGHBOURHOOD.

The Committee was in receipt of a report dated 1990 July 17, from the Commissioner of Planning and Development with respect to a request for a further modification in zoning - 1515 Upper Ottawa Street and approved the following recommendation:

That approval be given to amended Zoning Application 89-99, 658414 Ontario Inc., (Alfredo, Luciano, and Anna DiDiodato and Antonio DiMillo) former owners, requesting a further modification to the established "M-12" (Prestige Industrial) District regulations to legalize the existing offices used by a builder, developer, and general contractor and a property management company for property located at 1515 Upper Ottawa Street, as shown on the attached map marked as Appendix "B", on the following basis:

(a) That the "M-12" (Prestige Industrial) District regulations contained in Section 17D of Zoning By-law No. 6593, as amended by By-law No. 89-339, applicable to the subject lands, be further modified to include the following variance as a special provision:

(i) That notwithstanding Section 17D(1)(b), the following Commercial uses shall also be permitted:

Use Not Prohibited	S.I.C. Number
Operators of Residential Buildings and Dwellings	7511
Operators of Non-Residential Buildings	7512

(ii) That notwithstanding Section 17D(1)(c), the following Industrial uses shall also be permitted restricted to office use only:

Use Not Prohibited	S.I.C. Number
Single Family Housing	4011
Apartment & Other Multiple Housing	4012
Commercial Building	4022

(iii) That Section 17D(1)(d)1 shall not apply to the office uses referred to in clause (ii);

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1136a, and that the subject lands on Zoning District Map E-59D be notated S-1136a;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-59D for presentation to City Council;

(d) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

(e) That the approved Mountain Industrial Area Plan be amended by redesignating the subject lands from "Restricted Industrial-Commercial" to "Restricted Commercial".

NOTE: The purpose of the By-law is to provide for a further modification to the established "M-12" (Prestige Industrial) District, for property located at 1515 Upper Ottawa Street.

The effect of the By-law is to permit, in addition to the uses under the "M-12" District regulations, offices for a developer, builder, and contractor as well as offices for a property management company.

ZONING APPLICATION 89-128, D. L. PALMER AND C. Y. PALMER, OWNERS, FOR A MODIFICATION TO THE "C" DISTRICT REGULATIONS FOR PROPERTY AT 767 MOHAWK ROAD EAST; HAMPTON HEIGHTS NEIGHBOURHOOD.

The Committee was in receipt of a report dated 1990 July 9, from the Commissioner of Planning and Development concerning the request for modification of Zoning - 767 Mohawk Road East.

The Committee was also in receipt of a letter dated 1990 July 18, from Mr. Jack Stewart objecting to the Zoning Application request.

The Committee was in receipt of a petition which had been forwarded by Alderman Tom Jackson from residents objecting to the Zoning modification.

Report of the circularization was given as follows;

102 notices sent 6 in favour 25 opposed

Mrs. J. Malseed, 769 Mohawk Road East appeared before the Committee objecting to the Zoning Application indicating that the area does not have sufficient parking and the fact that it is an existing single family area. Mrs. Malseed distributed photos of the area which illustrated the existing parking problems.

Mr. Joe Nadel, Counsel for Mr. & Mrs. Palmer appeared before the Committee in order to explain why the Zoning modification was being requested and described the size and style of the house.

A considerable discussion ensued with respect to two family dwellings, illegal conversions and the matter of legalizing this type of conversion after the fact. The Committee discussed the fact that this type of conversion is inconsistent with the Neighbourhood Plan and the effect it would have on traffic, parking, etc.

After considerable discussion the Committee approved the following recommendation:

That Zoning Application 89-128, Derrick Lea Palmer and Carol Yvonne Palmer, owners, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations to legalize the established two-family dwelling located at 767 Mohawk Road East, as shown on the attached map marked as Appendix "C", be DENIED for the following reasons:

(a) It conflicts with the intent of the Official Plan, in that it would allow for an indiscriminate mix of housing types by introducing a two-family dwelling into an area which is characterised by single-family dwellings;

(b) It represents an intrusion of a two-family dwelling into an area which is characterized by single-family dwellings; and,

(c) Approval of the application would set an undesirable precedent and encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law and change the character of the neighbourhood.

ZONING APPLICATION 90-13, 687469 ONTARIO INC. (R. AND T. YATES) PROSPECTIVE OWNER, FOR A CHANGE IN ZONING FROM "AA" AND "C" TO "HH" AND "C" FOR PROPERTIES AT 1451, 1459, 1465 AND 1469 UPPER JAMES STREET; RYCKMANS NEIGHBOURHOOD.

The Committee was in receipt of a report dated 1990 July 18, from the Commissioner of Planning and Development with respect to a request for a change in zoning - land at the rear of 1451, 1459, 1465 and 1469 Upper James Street.

The Committee discussed the effect of tabling Blocks 2 and 3. The Committee was advised that there are still a number of outstanding issues with respect to Blocks 2 and 3, and it is anticipated that this matter will be brought back to the Committee in September.

After discussion the Committee approved the following recommendation;

(a) That approval be given, in part, to amended Zoning Application 90-13, R. Yates and T. Yates, prospective owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for Block "1" to permit development of the subject lands for future single-family residential dwellings, for property located at the rear of 1451, 1459, 1465 and 1469 Upper James Street, as shown on the attached map marked as Appendix "D", on the following basis:

(i) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(ii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council;

(iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

(iv) That the Ryckmans Neighbourhood Plan be amended by redesignating a portion of the lands from "Low Density Apartments" to "Single and Double Residential".

(b) That Blocks "2" and "3" be Tabled in order for the applicant to submit a preliminary site plan for review by staff, and to investigate a land assembly/joint development with the adjoining property owner to the south.

NOTE: The purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for property located at the rear of 1451, 1459, 1465, and 1469 Upper James Street, shown as Block "1".

The effect of the By-law is to permit future development for single-family detached dwellings.

ZONING APPLICATION 90-34, F. BOZZO, OWNER, FOR A CHANGE IN ZONING FROM "C" TO "HH" FOR PROPERTY AT 21 RYMAL ROAD WEST, KENNEDY EAST NEIGHBOURHOOD.

The Committee was in receipt of a report dated 1990 July 5, from the Commissioner of Planning and Development with a request for a change in zoning - 21 Rymal Road West.

Report of the circularization was given as follows:

63 notices sent 3 in favour 5 opposed 2 returned unmarked

Ms. Ann Lucas of 1632 Upper James Street, Town & Country Donuts appeared before the Committee expressing concern over the Zoning Application.

Mr. Gerry Goto appeared before the Committee on behalf of the Applicant, supporting the recommendation.

The Committee discussed the surrounding zoning in the area and approved the recommendation:

That approval be given to Zoning Application 90-34, Felice Bozzo, owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, for property located at 21 Rymal Road West, as shown on the attached map marked as Appendix "E", on the following basis:

(a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District;

(b) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593 applicable to the subject lands be modified to include the following variance as a special requirement:

(i) That a minimum 3.0 m wide landscaped planting strip and a visual barrier not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the southerly rear lot line;

(c) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1185, and that the subject lands on Zoning District Maps W-9D and W-9E be notated S-1185;

(d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps W-9D and W-9E for presentation to City Council;

(e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District for property located at 21 Rymal Road West.

The effect of the By-law is to permit redevelopment of the site with a 4 storey building containing retail stores and a restaurant on the ground floor and offices on the 3 upper floors.

In addition, the By-law provides for a modification to the "HH" (Restricted Community Shopping and Commercial) District regulations by requiring that a minimum 3.0 m wide landscape planting strip and a visual barrier not less than 1.2 m and not more than 2.0 m in height, be provided and maintained along the southerly rear lot line.

ZONING APPLICATION 90-35, 591613 ONTARIO INC. (K. VANDER SCHAAF) OWNER, FOR A FURTHER MODIFICATION TO THE "HH" DISTRICT REGULATIONS FOR PROPERTY AT 57 RYMAL ROAD WEST; KENNEDY EAST NEIGHBOURHOOD.

The Committee was in receipt of a report dated 1990 July 18, from the Commissioner of Planning and Development with respect to a further modification in zoning - 57 Rymal Road West and approved the following recommendation:

(a) That approval be given to amended Zoning Application 90-35, 591613 Ontario Inc. (Karl Vander Schaaf), owner, requesting a further modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations, to permit a four storey building with commercial uses on the ground floor and 46 condominium apartment units on the upper three floors, for property located at 57 Rymal Road West, as shown on the attached map marked as Appendix "F", on the following basis:

(i) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, as amended by By-law No. 89-342, applicable to the subject lands, be further modified to include the following variances as special provisions:

(1.) That notwithstanding Section 14A(1), a multiple dwelling having not more than 46 dwellings units shall be permitted provided same is attached to any commercial use(s) permitted under Section 15B(3)(b) of Zoning By-law No. 6593;

(2.) That notwithstanding Section 14A, any of the permitted commercial uses shall be located within the first storey only;

(3.) That notwithstanding Section 14A, a minimum of 1,482 m^2 of landscaped area shall be provided and maintained at grade;

(4.) That notwithstanding Section 18A(12), a landscaped strip of not less than 1.5 m in width and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire westerly lot line;

(5.) All residential uses shall be located completely and functionally separate from any commercial use, and pedestrian access to the residential units shall be completely separate from pedestrian access to the commercial uses;

(ii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1145a; and that the subject lands on Zoning District Map W-9E be notated S-1145a;

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9E for presentation to City Council;

(iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

(v) That the Kennedy East Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Commercial and Apartments".

(b) That the applicant not receive final approval for Site Plan Control until such time as a traffic generation and impact study has been completed to the satisfaction of the Acting Commissioner of Regional Engineering.

NOTE: The purpose of the By-law is to provide for a further modification to the established "HH" (Restricted Community Shopping and Commercial) District regulations, for property located at 57 Rymal Road West.

The effect of the By-law is to permit development of the subject lands for a 4 storey commercial/residential building containing commercial uses on the ground floor and 46 condominium apartment units on the upper three floors. In addition, the By-law provides for the following variances as special provisions:

(a) That only the commercial uses permitted in the "CR" (Commercial-Residential) Districts (Section 15B(3)(b)) shall be permitted in conjunction with the 46 dwelling units;

(b) That the commercial uses shall be permitted only on the first floor of the mixed residential/commercial building;

(c) A minimum landscaped area of 23% of the lot area is to be provided and maintained at grade;

(d) A landscaped strip of not less than 1.5 m in width and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height is to be provided and maintained along the entire westerly lot line; and,

(e) Access to the residential units is to be completely separate from the commercial uses.

ZONING APPLICATION 90-39, 527919 ONTARIO (S. KICHUK) OWNER, FOR A FURTHER MODIFICATION TO THE "E" DISTRICT REGULATIONS FOR PROPERTY AT 150 SANFORD AVENUE NORTH; GIBSON NEIGHBOURHOOD.

The Committee was in receipt of a report dated 1990 July 9, from the Commissioner of Planning and Development with respect to a further modification in zoning - 150 Sanford Avenue North.

The Applicant's Agent appeared before the Committee requesting that this matter be tabled.

Report of the circularization was given as follows;

506 notices sent 2 in favour 46 opposed

The Committee was also in receipt of the following submissions which were opposed to the request for zoning:

(a) Letter of Submission - Janice McElroy, Fay Shea, Harvey Street.

(b) Letter of Submission - J. Culshaw, 12 Harvey Street.

(c) Letter of Submission - Marilyn Hill, 197 Stirton Street.

(d) Letter of Submission - Harold Tarbutt, 20 Huron Street.

(e) Letter of Submission - Paul Underhill, 10 Huron Street.

The Committee discussed the parking problems that already exist in the area and the serious problems which would occur if this Application was to be proceeded with.

Mr. H. Tarbutt of 20 Huron Street appeared before the Committee reiterating the concerns of his Letter of Submission regarding parking, and the maintenance and garbage problems that exist with the present building, and what would occur if the Zoning Application was to be approved.

Alderman Hinkley addressed the Committee expressing concerns about this Zoning Application. Alderman Hinkley distributed a letter which had been written regarding 150 Sanford Avenue North and submitted at the time of the original Application. Alderman Hinkley expressed concerns that this area already has problems and that any further changes and an increase in dwelling units in this property would only magnify the problems.

After considerable discussion, the Committee approved the following recommendation:

> That Zoning Application 90-39, 527919 Ontario Ltd. (S. Kichuk), owner, requesting a further modification to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, to increase the number of dwelling units from 131 to 154 by converting the parking area on the first floor to 13 units and the amenity space on the second floor to 10 units, for the property located at 150 Sanford Avenue North, as shown on the attached map marked as Appendix "G", be **DENIED** for the following reasons:
>
> (a) It is an overintensification in land use since adequate on-site parking cannot be provided. In this regard, a minimum of 193 parking spaces are required whereas only 150 are proposed which results in a shortfall of 43 spaces. The loss of parking spaces will only aggravate the parking problem in the area.
>
> (b) It is contrary to the intent of the existing Site Plan By-law 70-285 which restricts the gross floor area to 12,412.8 m^2. The proposal would require an increase in the floor area of 1,532.85 m^2 (12%). The existing building has an F.A.R. of 2.0 and the increase would result in an F.A.R. of 2.2.
>
> (c) Amenity areas within apartment buildings are intended to serve both existing and future tenants. Accordingly, it should be preserved and enhanced wherever possible, not converted to additional units.
>
> (d) Approval of the application, would encourage other similar application which, if approved, would undermine the intent of the Zoning By-law.

CITY INITIATIVE 90-F - PARKING REQUIREMENTS IN THE CENTRAL BUSINESS DISTRICT.

The Committee was in receipt of a report dated 1990 July 18, from the Commissioner of Planning and Development, and an Information Report dated 1990 July 19, from the Chief Administrative Officer with respect to Cash-in-lieu of Parking.

The Committee reminded the public that all submissions should be submitted by 1990 August 24.

Following discussion the Committee approved the following recommendations as submitted:

(a) That written submissions from the public on the recommendations of the Parking Authority, as endorsed by the Finance and Administration Committee at its meeting of 1990 March 22, be received up to Friday, 1990 August 24.

(b) That the Planning and Development Department in consultation with the Parking Authority, Traffic Department, Building Department and the Cash-in-lieu of Parking Committee review the submissions and prepare a report for the consideration of the Planning and Development Committee.

At the Mayor's request, the Committee agreed to deal with Item 9.

MAYOR R. M. MORROW

ESTABLISHING A TASK FORCE ON IMPROVEMENTS TO THE ART GALLERY ENTRANCE, COMMONWEALTH SQUARE AND SUMMERS' LANE

The Mayor appeared before the Committee to express concern that an Ad Hoc Committee should be established to review and co-ordinate future development on the Commonwealth Square and Summers' Lane.

After discussion the Committee approved the following recommendation:

(a) That an Ad Hoc Committee of the Planning and Development Committee be established to review and co-ordinate the entire issue respecting the future use of Commonwealth Square and Summers Lane.

(b) That the Ad Hoc Committee be comprised of the Mayor, Chairman and members of the Planning and Development Committee, members of City Council, appropriate City and Regional staff, and that the following interested parties be invited to participate on the Ad Hoc Committee: H.E.C.F.I., C.A.P.I.C., Downtown Action Plan Committee, Crystal Palace Sub-Committee, Arts Advisory Sub-Committee, the Art Gallery, the Board of Education and others as required.

The Committee recessed for Lunch and reconveyed to continue with the Agenda.

AMENDMENT TO ZONING APPLICATION 89-111, Y. SHARIF, OWNER, FOR LAND AT 991 UPPER PARADISE ROAD.

The Committee was in receipt of a report dated 1990 July 13, from the Commissioner of Planning and Development with respect to an amendment to Section 17, (1990) 12 R. P. D. C., June 26 - 991 Upper Paradise Road and approved the following recommendation:

That Section 17 of the Twelfth Report for 1990 of the Planning and Development Committee, adopted by City Council at its meeting of 1990 June 26, regarding amended Zoning Application 89-111, Y. Sharif, owner, be amended by adding the following sections:

(B)(b)(ii) That notwithstanding Section 9 of Zoning By-law No. 6593, a minimum of thirteen parking spaces shall be provided and maintained;

(B)(b)(iii) That the required area for parking, manoeuvring and access for the day nursery shall not occupy more than 50% of the gross area of the front yard;

(B)(b)(iv) That not less than 50% of the gross area of the front yard shall be landscaped; and,

(B)(b)(v) That the provisions of subsections 18A(9), (10) and (22) shall not apply, but only in respect of manoeuvring space requirements.

NOTE: The purpose of these portions of the By-law is to require parking for the previously approved day nursery for property municipally known as 991 Upper Paradise Road.

The effect of these portions of the By-law is to require the following variances as special provisions, applicable to the day nursery:

(a) Thirteen parking spaces whereas none are required;

(b) The parking spaces shall not occupy more than 50% of the gross area of the front yard;

(c) Landscaping of not less than 50% of the front yard; and,

(d) A stacked parking arrangement be permitted whereas stacked parking is not permitted.

REQUEST BY MR. J. M. VENDITTI, FOR STARWARD HOMES TO RECONSIDER THE CONDITIONS RESPECTING A 4.57M WALKWAY IN THE PROPOSED DRAFT PLAN OF SUBDIVISION "ORCHARD PARK ESTATES".

The Committee was in receipt of a report dated 1990 June 27, from the Commissioner of Planning and Development with respect to reconsider conditions regarding a 4.57m walkway - "Orchard Park Estates" and approved the following recommendation:

That the previous conditions, as recommended by the City of Hamilton Council for approval on 1989 July 25, approving Section 24 of the Seventeenth report of the Planning and Development Committee (Appendix "A") be confirmed.

'REVISION OF A CONDITION OF DRAFT APPROVAL RE: 5% "EDAN HEIGHTS" - LANDS IN THE AREA WEST OF UPPER SHERMAN AVENUE AND SOUTH OF BEAVERTON DRIVE, BUTLER NEIGHBOURHOOD.

The Committee was in receipt of a report dated 1990 July 11, from the Commissioner of Planning and Development and approved the following recommendation:

That approval be given to amend a previously recommended condition for "Edan Heights", owned by 603976 Ontario Limited, Co Terra Homes/Dan Valentini, under Regional File No. 25T-90004 by deleting condition v) and replacing the same by the following condition:

v) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the final plan to the City of Hamilton for park purposes pursuant to The Planning Act.

BY-LAW TO REMOVE PART-LOT CONTROL FROM LOT 3, REGISTERED PLAN NO. 1059 AND FROM LOTS 1 TO 9 AND BLOCKS "10" TO "16" INCLUSIVE, REGISTERED PLAN 62M-657.

The Committee was in receipt of a report dated 1990 July 10, from the Commissioner of Planning and Development and approved the following recommendation:

(a) That the City of Hamilton adopt a by-law to remove part-lot control from Lot 3, Registered Plan No. 1059 and from Lots 1 to 9 and Blocks "10" to "16" inclusive of Registered Plan 62M-657.

(b) That the Region be requested to approve the by-law removing part-lot control on the above-noted lots and blocks of Registered Plan Nos. 1059 and 62M-639.

(c) That the by-law be repealed within 6 months of the date of its registration.

BY-LAW TO REMOVE PART-LOT CONTROL FROM LOTS 1 TO 32, REGISTERED PLAN 62M-661.

The Committee was in receipt of a report dated 1990 July 10, from the Commissioner of Planning and Development and approved the following recommendation:

(a) That the City of Hamilton adopt a by-law to remove part-lot control from Lots 1 to 32 inclusive of Registered Plan 62M-661.

(b) That the Region be requested to approve the by-law removing part-lot control on the above-noted Lots 1 to 32 inclusive of Registered Plan 62M-661.

(c) That the By-law be repealed with 6 months of the date of its registration.

Having completed the Zoning Items the Committee moved back to Item 15. of the Agenda.

PIER 4 AND PIER 8 PARKS AND HARBOUR COMMISSIONERS MARINA PROPOSAL.

The Committee was in receipt of a report dated 1990 July 16, from Charles Forysth, Chairperson, C.A.P.I.C.

The Committee discussed the boundaries that were being proposed.

Mr. Chuck Towsley, Planner for the Hamilton Harbour Commission appeared before the Committee indicating that he had met with C.A.P.I.C. to discuss these boundary changes and would like to see it extended to include Eastwood Park.

After discussion the Committee approved the following amended recommendation:

> That the Parks and Recreation Committee revise in conjunction with the Hamilton Harbour Commissioners, the Terms of Reference for Pier 4 Park Development Concept Plan (Appendix 1) to include linkage to Pier 8 and Eastwood Park along Guise Street.

SHERATON HAMILTON HOTEL - APPLICATION BY GGS HOTEL HOLDINGS CANADA INC., LESSEE, FOR APPROVAL OF MORTGAGE.

The Committee was in receipt of a report dated 1990 July 13, from the City Solicitor with respect to this matter.

The Committee received copies of the documents which were being requested for approval.

The City Solicitor appeared before the Committee to provide additional information.

The Committee discussed the financing and the existing mortgage.

After considerable discussion the Committee agreed to table this matter and that a special meeting be held before City Council inviting all members of City Council in order to thoroughly discuss this request.

WINDERMERE BASIN

The Committee was in receipt of an Information Report dated 1990 July 10, from the City Solicitor advising that Mr. I. Binnie, McCarthy Tetrault, is on vacation and could appear before the August 22nd Planning and Development Committee.

The Committee agreed that this matter would be discussed In-Camera at the Planning and Development Committee meeting scheduled for 1990 August 22nd and that it would be a joint meeting of the Transport and Environment Committee.

Alderman Merling requested that additional information be provided for this meeting concerning the history of the Windermere Basin and background information as to why the Technical Advisory Committee was disbanded, and information on the make-up of the Committee.

Further information was also requested on this special policy area.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Lynn Dale
Acting Secretary
1990 July 25

Tuesday, July 31, 1990
4:00 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present:

Alderman J. Smith, Chairman
Mayor R. M. Morrow
Alderman M. Kiss
Alderman D. Drury
Alderman H. Merling
Alderman D. Ross

There were also present:

Alderman G. Copps
Alderman J. Gallagher
Alderman T. Murray
Mr. L. Sage, Chief Administrative Officer
Mr. E. C. Matthews, City Treasurer
Ms. Patrice Noé Johnson, City Solicitor
Mr. D. Powers, City Solicitor's Office
Mr. D. W. Vyce, Director of Property
Mr. L. King, Building Commissioner
Mr. A. Georgieff, Director of Local Planning
Miss T. Agnello, Acting Secretary

Ms. Johnson explained that the special meeting has been called to clarify items in the original report dated July 13, 1990.

Mr. Powers reviewed the changes and explained that the approval will allow G.G.S. buildings to mortgage the ground lease.

In response to questions from Alderman Merling, the Treasurer confirmed that all requirements have been satisfied by G.G.S. With regard to the financial position of G.G.S., Mr. Matthews confirmed that it is solidly based.

Alderman Merling was satisfied that adjustments in the report protect the best interests of the City of Hamilton since any changes to the ground lease are subject to the City's approval.

Alderman Copps pointed out that if there are any legal concerns, a suit must be initiated in Japan.

Mr. McCordic, Solicitor was present on behalf of Sheraton Hotels and explained that the owners purchased the property in cash and are now putting a mortgage on it.

The Committee approved the recommendations dated July 30, 1990 in the report from the City Solicitor regarding Sheraton Hamilton Hotel - Application by GGS Hotel Holdings Canada Inc., Lessee for approval of mortgage.

The Committee adjourned in closed session to discuss personnel matters and reconvened immediately thereafter.

The Committee requested Mr. Len King to prepare a report and propose recommendations regarding the organization and operation of the Inspections Division of the Building Department for the next regular Planning and Development Committee meeting to be held on August 22, 1990.

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

T. Agnello, Acting Secretary
July 31, 1990

Typed by M. J. Walton

K.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK

2nd floor

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

TEL: 546-2700
FAX: 546-2095

~~1990 September 13th~~

NOTICE OF MEETING

Planning and Development Committee
Wednesday, 1990 September 19th
9:00 o'clock a.m.
Room 233, City Hall

Susan K. Reeder

Susan K. Reeder
Secretary

ZONING APPLICATIONS WILL BE HEARD IN THE COUNCIL CHAMBERS AT 10:30 O'CLOCK A.M.

AGENDA

1. Consent Agenda.

DIRECTOR OF COMMUNITY DEVELOPMENT

2. Provincial/Municipal Housing Agreement.

IN CAMERA AGENDA

DIRECTOR OF COMMUNITY DEVELOPMENT

3. Crown Point West/Stipeley P.R.I.D.E. Phase II; Authorization to Sign the Provincial/Municipal Agreement.

4. Crown Point West/Stipeley P.R.I.D.E. Phase II; Appointment of Consultant.

ACTING COMMISSIONER OF ENGINEERING

5. Amendment - "Nash Orchard Heights West" Subdivision.

6. Land Severance Application - conveyance of lands.

CITY SOLICITOR

7. Repeal of Designation of 65 Markland Street.

8. Expropriation - Offer of Compensation and Notice of Possession - 403 Sherman Avenue North. (Alpha Enclave)

TASK FORCE ON AFFORDABLE HOUSING

9. Housing Intensification Study.

ALDERMAN D. DRURY

10. Ammunition in Gun Shops.

DELEGATION

11. Vehicular access to the South leg of King Street between James and John Streets.

    (a) Submission - Downtown Hamilton B.I.A.

    (b) Report - Director of Traffic Services.

REFERRAL BY CITY COUNCIL

12. Section 18 of the FIFTEENTH Report of the Planning and Development Committee - Zoning Application 90-36 - property at the rear of 1422 and 1430 Upper Sherman Avenue.

    (a) Report - Secretary, Planning and Development Committee.

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

COUNCIL CHAMBERS

10:30 O'CLOCK A.M.

13. Zoning Application 90-06, Agomen Group 1 Limited, owner, for a modification to the "H" District regulations for properties at 260 to 280 King Street East; Beasley Neighbourhood.

14. Zoning Application 90-43, 668850 Ontario Ltd.(A. Tuite and L. Centurami), owner, for a change in zoning from "AA" to "C" and "HH" for properties at 69 and 75 Rymal Road East; Ryckmans Neighbourhood.

10:45 O'CLOCK A.M.

15. Zoning Application 90-50, C. Spera-Fazackerly, owner, for a modification to the "C" District regulations for property at 1 Mount Royal Avenue; Kirkendall South Neighbourhood.

    Submissions - (a) Alderman T. Cooke
    - (b) Ceserino Clacinti and Ursula Clacinti, 1 Mount Royal Avenue.
    - (c) Mr. & Mrs. Ihlenfeldt, 26 Mount Royal Avenue.

16. Zoning Application 90-52, Malatesta Brothers Construction, owner, for a change in zoning from "AA" and "C" to "RT-20" for land municipally known as 1461 Upper Gage Avenue; Templemead Neighbourhood.

11:00 O'CLOCK A.M.

17. Zoning Application 90-49, Mintland Developments inc., owner, for a change in zoning from "E" to "H" properties at 252, 256, 260 and 262 Victoria Avenue North; Landsdale Neighbourhood.

18. Zoning Application 90-55, Intermediate Terminals, Division of Canpac International Freight Services Limited, owner, for a modification to the "KK" District regulations for property at 400 Grays Road; Grayside Neighbourhood.

11:15 O'CLOCK A.M.

19. Zoning Application 90-13, 687469 Ontario Inc. (R. and T. Yates) owner, for a change in zoning from "AA" and "C" to "G" for properties at 1451, 1459, 1465 and 1469 Upper James Street; Ryckmans Neighbourhood.

    Submission - (a) Dr. Dickson, 1428 Upper James Street.

20. Proposed Plan for the northwest section of the Gourley Neighbourhood.

DIRECTOR OF LOCAL PLANNING

21. Request for removal of the "H" (Holding Symbol) - 15 Beaverton Drive (ZA-90-64).

22. Zoning Application 90-60, Alfrin Enterprises, owner for 73 Garfield Avenue South - Request for direction.

23. By-law to remove part-lot control from Lots 4 and 5, Registered Plan No. 1059; Randall Neighbourhood (RPLC No. 67).

24. Site Plan Control Application 90-64, L. and M. DelSordo, owners, for land municipally known as 205 Nebo Road; Rymal Neighbourhood.

25. Other Business.

26. Adjournment.

FOR ACTION

2.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1990 September 10
DEPT FILE: 800-MNPH-1.19

SEP 1 3 1990

SUBJECT:

Provincial/Municipal Housing Agreement

RECOMMENDATION:

(1) That the Mayor and the City Clerk be authorized to sign, on behalf of the Corporation of the City of Hamilton, the attached Provincial/Municipal Housing Agreement.

(2) That the Department of Community Development, in conjunction with other relevant Departments, be directed to continue to negotiate with the Province of Ontario on those items included in the Agreement but not completely resolved as of the date of signing.

(3) i) That the Department of Community Development, on behalf of the Corporation of the City of Hamilton, act as agent, on a fee for service basis, for the implementation of the Provincial Government's Convert-To-Rent Programme.

ii) That the Mayor and City Clerk be authorized to sign the necessary Provincial/Municipal Implementation Agreement for the Convert-To-Rent Programme satisfactory to the City Solicitor. The terms and conditions of the Convert-To-Rent Programme have been approved by the Planning and Development Committee.

(4) That the Department of Community Development implement a Supplemental Loan Programme in conjunction with the Convert-To-Rent Programme at a Capital Cost of $760,000. The Programme will be available in Business Improvement Areas only, and the terms and conditions have been approved by the Planning and Development Committee. (For the information of Council, the cost has been approved in the Department of Community Development's 1990-1994 Capital Budget).

(5) i) That the Department of Community Development establish an Emergency Loan Programme using $200,000. from the revolving fund established by the Hamilton Rehabilitation Programme; and,

ii) That the Department of Community Development be authorized to process emergency loans not to exceed $2,000. to owner/occupants of residential single-family homes based on the terms and conditions approved by the Planning and Development Committee.

(6) i) That the Department of Community Development implement a $10,000. Demonstration Programme, funded by the Province of Ontario, concerning the storage and re-use of equipment funded under the Ontario Home Renewal Programme - Disabled.

ii) That the Mayor and City Clerk be authorized to sign the necessary Provincial/Municipal Implementation Agreement for the Demonstration Programme satisfactory to the City Solicitor. The terms of the Demonstration Programme have been approved by the Planning and Development Committee.

E. Kowalski

FINANCIAL IMPLICATIONS (N/A):

No additional costs other than those already approved in the 1990-1994 Capital Budget.

BACKGROUND:

Hamilton City Council, at its meeting held 1989 March 28, approved Section 8 of the Eighth Report of the Planning and Development Committee authorizing the Director of Community Development to enter into negotiations with the Ministry of Housing to establish a Provincial/Municipal Housing Agreement.

Since that time the Department of Community Development has been negotiating with the Province of Ontario on a Housing Agreement which covers programmes to improve neighbourhoods as well as special allocations to meet specific Municipal concerns. The Agreement also deals with several non-profit housing issues which the Province has agreed to address. The Agreement, in addition, also commits the Province to funding a Planning study which the Planning and Development Department is currently undertaking. [Provincial Housing Statement Implementation Study]. It is important to note that this Agreement is only one of four established in the Province of Ontario. Other Municipalities include Ottawa, London and Peterborough.

While the Housing Agreement does not specifically address all the Municipalities Housing concerns, it does provide an important framework which can be the basis for further discussion. We hope this agreement will result in major funding for the Beach Strip, including both hard and soft services, as well as additional opportunities for the City to provide affordable housing.

In order to provide the Planning & Development Committee with as much background information as possible the Department of Community Development has reviewed and commented on each section of the Agreement. In order to be as brief as possible, we have only commented on those sections which we feel will have any impact or potential impact on the Municipality. Some statements in the Agreement are "motherhood" in nature and do not require further discussion.

It should be noted that certain aspects of the Agreement have already been implemented with regard to unit allocations for Programmes already in existence and being delivered by the Department of Community Development. They have, however, been included as part of the Agreement as they reflect the overall thrust of negotiations to date and form part of both the Provincial and Municipal goals of providing affordable housing within the municipality.

1.0 Targeted Revitalization Initiative

1.1 "The City of Hamilton will enter into an operating agreement with the Ministry of Housing to deliver the Convert-To-Rent Programme on a fee for service basis."

The Convert-To-Rent Programme has been in existence since 1984 and provides owners with repayable loans of up to $7,000. per unit created. The intention of the Programme is to provide financial incentives for owners to create new rental units from unused commercial or industrial space. This Programme has been implemented by the Ministry of Housing and has been very successful throughout the Province, but not in Hamilton. The potential, the Department feels is there, but the take-up for one reason or another has not been realized.

As indicated, the Programme provides repayable loans of $7,000. per unit, but the owner makes no repayment for 10 years. The owner then repays in years 11-15 at 0% interest. The owner is expected to contribute at least 1/3 of his/her own money to help pay for the conversion. The aim of the Programme is to provide affordable rental units in existing under-utilized spaces.

The Department's success in the implementation of other housing loan and grant programmes has helped to convince the Ministry that the City has more experience and is better equipped to handle the programme's implementation.

The Department has discussed the Programme's implementation with the City's Building Department and procedures have been established to help owners obtain the necessary approvals. The Department of Community Development will handle the applications and help steer them through the approval process. We will also be able to "piggy-back" some of our existing programmes and ensure that owners receive all the financial assistance that they are entitled to receive.

The Department will prepare all documentation including a recommendation which will be forwarded to the Ontario Mortgage Corporation. Ontario Mortgage Corporation will be responsible for security and payment of funds, and the City will inspect and ensure

compliance with Programme Guidelines. It should be noted that as part of the Agreement the City will receive an Administrative Fee based on $600. per approved application plus $90.00 per unit on a project under ten (10) units. For projects of ten (10) or more units the agency fee will be $1,600.

The City, by taking over the implementation, will help ensure the units are created legally and in areas of the City which can support, and need, the increased density. The Department expects to concentrate our efforts in the strip commercial areas, as well as empty space in existing commercial and industrial buildings. This Programme, we hope, will be particularly attractive to the existing B.I.A.s. It should be noted that all owners of property in the City are potentially eligible for the Programme.

1.2 "The City of Hamilton will provide $800,000. as an enriched loan component to the Convert-To-Rent Programme to make it possible to bring marginal conversions into the Programme."

The Department of Community Development, as part of its 1990-1994 Capital Budget submission in a report dated 1989 October 19, included a request for the establishment of a Demonstration Loan Programme for Barton Street. The $760,000. proposal was designed to supplement the Provincial Government's Convert-To-Rent Programme once its implementation had been assumed by the City of Hamilton. This Demonstration Programme would first be limited to the Business Improvement Areas pending possible designation of additional areas under the Planning Act.

The Capital Budget request was subsequently reduced to $740,000. with implementation broken down to $200,000. in 1990, $300,000. in 1991 and $240,000. in 1992. The amount included in the Agreement can remain as the shortfall can be justified by the recyclable account being established with the repayments.

As the Committee is aware, many of the stores located on Barton Street are vacant including unused space on the second and third floors. We propose that this space be converted, where practical, for residential purposes.

We have been able to determine that the present Convert-To-Rent Programme does not provide the incentive necessary for conversion on Barton Street. The main reason for this is the complexity of the Programme, and the inability of owners to obtain the additional funding from conventional sources.

The Department is therefore proposing a loan programme to provide the necessary incentive to encourage conversion. It is proposed that the City provide loans at 6% interest amortized over a ten year period. The maximum to be provided to any one owner would be $15,000. per unit, to a maximum of $50,000. per owner. The loans would be secured by a Lien registered on title and each loan would be approved by the Planning and Development Committee. All money collected under the repayment would be used to continue the Programme. The interest rate will be written at 13% with an interest reduction grant given to reduce the effective rate to 6%. If the unit is sold within five years, the interest reduction grant will be cancelled and the penalty of the higher interest rate applied. The Department will also negotiate with the owner on the initial rental charge, taking into account all government subsidies. The Department will also advise the Rent Review Office of the established rate.

It is acknowledged that there will be zoning problems, but these will be handled on a one-to-one basis. We also propose to work closely with the Business Improvement Area and the Local Aldermen to ensure neighbourhood acceptance of the Programme. It should be noted that although this must be funded under the Capital Budget, the City will be receiving all the Capital back, plus an additional 6%. There will of course be a loss, as the cost of borrowing for the City is more than 6%.

1.3 "The Ministry of Housing has provided to the City of Hamilton a total allocation of 2,300 units for rooming houses, regular units and disabled modifications under the Low-Rise Rehabilitation Programme."

The City has already committed over 2,100 units at a gross value of $13,550,618.

1.5 "The Ministry of Housing will actively encourage and support an application by the City for funding under the Home Planning Advisory Service, within one year from the date of this Agreement, to assist property owners with housing intensification and rehabilitation programmes. A firm commitment by the City to apply for funding must be in place by 1990 December 1."

The Department of Community Development is presently reviewing this report vis-a-vis benefits to the City, and a separate report will follow in October 1990.

1.6 "The Ministry of Housing will actively encourage and support an application by the City for funding under the Neighbours Programme, within one year from the date of this Agreement, to undertake an educational/promotional campaign to support housing intensification. A firm commitment by the City to apply for funding must be in place by 1990 December 1."

The Department of Community Development is presently reviewing this report vis-a-vis benefits to the City, and a separate report will follow in October 1990.

2.0 Non-Profit Housing

2.1 "The Ministry of Housing has provided a reserve allocation of 300 units to the City of Hamilton."

Based on the discussion regarding the agreement, this reserve allocation has been provided through the Ministry of Housing's "Homes Now" Programme. To date, Municipal Non-Profit (Hamilton) Housing Corporation Board commitments have been made for the following projects:

- 40 units for the Wentworth Street redevelopment
- 43 units for two townhouse projects on the mountain
- 152 units for apartment building at 450 Cumberland
- 18 units at 1781 King Street East
- a seniors project on City lands at Limeridge and Upper Ottawa (number of units to be determined)

It is anticipated that these commitments will utilize the full 300 unit reserve allocation under the Homes Now Programme.

2.2 "The City will continue to provide a $5 million loan fund for land acquisitions for non-profit housing."

This programme has been in effect since 1987 and has been used to secure a number of sites for municipal non-profit housing. The programme works by providing non-profit housing financing to allow the M.N.P.H.C. to secure sites at an early stage of development. When mortgage funds are received through the non-profit programme, ownership of the lands are transferred to the Municipal Non-Profit Housing Corporation, at no cost to the City.

2.3 "The City agrees to undertake a leadership role in conjunction with the coalition of local housing providers in developing advocacy initiatives to support social housing providers in the delivery of non-profit housing."

Through the efforts of the City of Hamilton, a coalition of local housing providers has already been established to provide a unified voice on social housing issues in our community. Alderman Don Ross, who is President of the M.N.P.H.C., acts as Chairman of this Housing Coalition. The Coalition meets to discuss non-profit housing delivery issues and to develop advocacy initiatives. The Coalition has already dealt with issues such as the Homes Now Programme, the private vendor process and acquisition of existing apartment buildings.

2.4 "The Ministry of Housing will encourage the City to continue to enhance its municipal non-profit housing function."

The Municipal Non-Profit Housing Corporation has plans to continue to provide non-profit housing in coming years. To this end, applications have been submitted for both 1990 and 1991, Federal /Provincial allocations to provide additional non-profit housing projects in the City. Recently, the Ministry approved the 1990 Federal/Provincial request for 100 units. There is hope that through this agreement, favourable response by the Ministry of Housing will be made for the 1991 request for 110 units.

2.5 "The City will continue to monitor procedures for streamlining approvals for non-profit housing."

Through the Provincial Housing Policy Statement Implementation Study (Section 4.1), the Planning and Development Department is currently reviewing initiatives to streamline development approval processes, which will include examining opportunities to streamline approvals for both non-profit and co-op housing initiatives. Based on the time frame established by the Ministry of Housing and Municipal Affairs, it is expected that this study will be complete in the Fall of 1991. However, it should be noted that opportunities for interim actions are currently being examined in the City's Housing Statement Update, which is expected to be complete this Fall.

2.6 "The City will work with the Social Planning and Research Council (SPRC) of Hamilton and District as well as the Housing Help Centre to address neighbourhood opposition to non-profit housing (NIMBY issues)."

City staff have supported the SPRC's Social Housing Action Committee and the Housing Help Centre. Actions established by the organizations include:

- Housing Awareness Week;
- Tour of Social Housing Projects;

- Recommending a Regional last month's rent programme; and,
- A Tenant Information Newsletter

In addition, the City of Hamilton has sponsored special research projects by Social Planning and Research Council to study the social impacts of non-profit housing on surrounding neighbourhoods. As a result of this initiative, the Social Planning and Research Council prepared a Social Impact Housing Study using 772 Upper Paradise as a model.

2.7 "The City intends to pursue its policies of encouraging affordable housing in the Central Area through the use of non-profit housing programmes."

The M.N.P.H.C. is currently negotiating with the City Parking Authority to provide a joint venture project which will include both a parking ramp and a municipal non-profit housing project on an existing parking site. It is anticipated that the 100 unit 1990 Federal/Provincial allocation could be used to this end.

3.0 Housing First on Government Land

3.1 "The Province will encourage all Ministries to expedite their review of vacant land holdings to release land for affordable housing."

The City has undertaken a review of all suitable provincial lands for housing and has forwarded this information to the Province. The Ministry of Housing and Ministry of Government Services are currently reviewing the suitability of the sites for affordable housing projects, including demonstration initiatives for affordable home ownership. For those surplus lands not suitable for affordable housing, the Province should be encouraged to turn over lands received from the sale of these properties to be used for the purchase of new affordable housing sites within the City.

The Province should also be encouraged to provide more than its 25% affordable housing requirement on its own lands.

3.2 "The City supports a housing first policy on government lands and will review and prepare an inventory of its land holdings for suitability for residential use."

In its efforts to meet affordable housing demands within the City, it is recommended that the City establish a Housing First policy for all suitable surplus vacant city lands. In recent reviews, it was found that there is very little suitable residential lands available. However, a project on City lands at 1150 Limeridge Road was developed for affordable non-profit housing units for families. In addition, the adjacent City property is currently in the planning process for a non-profit seniors project.

It should be noted that as a City organization, the M.N.P.H.C. has first option on City lands prior to making those lands available to the public.

3.3 "The City and Province will encourage the Region of Hamilton-Wentworth to adopt the Housing First Policy for its land holdings and to review these land holdings for suitability for residential use."

It is recommended that this initiative be forwarded to the Chairman's Task Force on Affordable Housing for review and implementation.

Currently, the Region has played a limited role in providing affordable housing, and there is hope that the Chairman's Task Force will establish an effective Regional role which could go beyond this one initiative.

4.0 Provincial Housing Policy Implementation Study

4.1 "The City adopted a work programme to implement the Provincial Policy Statement on Land Use Planning for Housing. The Ministry of Municipal Affairs approved Hamilton's application for funding ($51,000.00) under the Community Planning Grant (Housing) Programme, to undertake a study in eight areas required to implement the policy statement including:

- 10 year supply of land;
- servicing policies;
- 3 year supply of serviced lots;
- streamlining the process;
- housing types and distribution;
- 25% affordable housing;
- housing intensification; and,
- monitoring."

The policy implementation study is currently underway and, based on provincial guidelines, should be completed by August 1, 1991. As part of this implementation study, special studies on housing intensification and an update of the City's Housing Statement are currently being prepared by the Planning Department and should be completed this fall.

It should be noted that these studies will identify appropriate local land use planning and housing policies for the implementation of the Provincial Statement.

4.2 "The Ministry of Housing and Municipal Affairs will continue to work with the City to implement its studies."

It is hoped that any special studies which may be identified as a result of the Housing Implementation Study and Intensification Study will be available for funding by the Ministry of Housing and/or Ministry of Municipal Affairs through special study grants.

5.0 Ontario Home Renewal Programme

5.1 "The City will establish an Emergency Loan Programme of $200,000. to address emergency electrical, roof, plumbing or heating problems."

The Department of Community Development has been actively implementing housing rehabilitation programmes since 1974. During this period, the Department has seen a need for an emergency programme which would address the immediate needs of a homeowner. Under the terms of the existing programmes, certain procedures must be carried out and approved before actual work could take place. There is no possibility of being able to address an immediate concern, ie. leaking roof, furnace, electrical etc. The process, even when accelerated, often takes three or four months because of the requirement of a full inspection, two estimates, title searches including full municipal review and approval.

We had considered a Municipally funded Programme previously, but the potential financial commitment and impossibility of recouping City costs from the other levels of government prevented us from moving forward with a proposal. The opportunity however, provided by the new Housing Agreement with the Province, has now opened up the possibilities of being able to address what we feel is an important service which now can be offered to municipal homeowners in need at minimal municipal cost.

The Department is recommending that $200,000. be used from the recyclable account established for the Hamilton Rehabilitation Programme (H.A.R.P.). This money will be used to "front-end" the Emergency Loan Programme, pending the owner's application for a loan and grant under the Ontario Home Renewal Programme.

Terms and Conditions

- Applicant must be financially eligible under the Ontario Home Renewal Programme.
- Applicant must be an owner/occupant of a single family home.
- Only one item of roof, wiring, plumbing or heating (if more than one item not considered emergency, as problem existed for some time).
- Maximum loan per house $2,000.

- City processes application based on inspection to determine need within 24-48 hours, including approval and commencement of work. [City's Building Department has agreed to timetable.]

- Inspection and one independent estimate needed which must be within reasonable cost of the inspector's estimate. [10%]

- Owner must agree to apply for total rehabilitation of property.

- Initial costs financed by City, and loan finalized under Ontario Home Renewal Programme, City fund then topped-up and adjustments made (See Provincial/Municipal Agreement Section 5.2). [owner can use eligible grant under Ontario Home Renewal Programme to repay City's loan.]

- Loan at 8% amortized over 10 years and lien registered on title, but loan initially secured by Promissory Note.

- Capital funding from H.A.R.P. recyclable $200,000.

- Repayments at 8% used for recycling in Emergency Programme fund.

- The loan approvals will be sent to the Planning and Development Committee and Council for approval as soon as possible, but will not delay the approval process.

It should be noted that this Programme will involve a higher risk than other municipal programmes. We will not be able to fully check ownership, or all of owners income verification in time frame projected. It is important however, if real service is to be provided, that this time frame be met. The loan, as indicated, will be secured by Promissory Note and we have in the past been able to obtain judgements based on this type of security.

5.4 "The Ministry of Housing will fund a $10,000. Demonstration Project to determine the feasibility of re-using equipment originally funded under OHRP-D. The City of Hamilton will assume all resulting liability and prepare a report commenting on the results of the demonstration after it has been in operation for a period of one year."

The Department of Community Development has been implementing the Ontario Home Renewal Programme for the Disabled since its inception in 1987. During this period it has become evident that there is a need and demand for a recyclable programme for the equipment purchased under

this Programme. It has been found that once the equipment is no longer needed that the cost of removal is minimal compared to the actual acquisition cost. In addition, many owners who no longer need the equipment have asked the City to remove it, as in some cases, it aesthetically detracts from the property.

In view of the fact that the equipment was purchased by government grants, it seems reasonable that in the cases where the equipment could be reused by another owner, that some mechanism be found to provide this service. Unfortunately, under the terms of the existing programme, this was not possible. The Department, therefore, approached the Province with the idea of establishing a pilot project to determine whether this idea of removal and storage would, in a practical sense, work.

The Province has agreed to fund a $10,000. Programme to demonstrate the feasibility. This will provide a useful service to not only the owner who wants the equipment removed, but also allow for lower costs to the potential new owner, and in some cases, allow for more accessibility work to be undertaken because of the reduced costs of the used equipment.

The Department will offer to remove and store the equipment at no cost to the first owner. The City, however, will not offer any reimbursement to the owner for the capital cost of the equipment as government money was used to purchase equipment. The cost to the potential new owner will include cost of removal plus, cost of installation at his/her address. The Province has allowed a minimal cost of $500. per year for storage which will be the City's responsibility. The Department will draw on the $10,000. as needed, and then reimburse the account as the used equipment is reinstalled.

6.0 Common Housing Priority List

6.1 "The Ministry of Housing is funding a $30,000.00 technical study to undertake the feasibility analysis for a common housing priority system."

The Ministry has already committed to the establishment of a rent registry, the following non-profit agencies:

- Victoria Park Community Homes Inc.;
- Kiwanis Non-Profit Homes;
- the Municipal Non-Profit (Hamilton) Housing Corporation;
- Jubilee Development; and,
- Hamilton-Wentworth Housing Authority.

There is hope that through combination of waiting lists of all these agencies, a one-stop registry can be developed that can provide equitable

means of tenant selection. This will result in those with the greatest needs being housed first. This common rent registry will eliminate any inconsistencies among these agencies.

The establishment of a rent registry of this nature would be used as a model for other Ontario municipalities.

To date, the $30,000.00 has been received, and these organizations are working collectively to review technical computer requirements for such a system.

6.2 "The Ministry of Housing will consider funding of up to $20,000.00 for organizational expenses to set up a common housing priority system."

Although it is proposed that this rent registry system be self-funded, the $20,000.00 will be of assistance in establishing the organization for the rent registry.

6.3 "The City will consider contributing resources to support the implementation of the common housing priority system."

Currently, The Department of Community Development is reviewing technical requirements for the rent registry is being undertaken by the affected Agencies. It is proposed that the rent registry be self-funding.

7.0 Liaison with Hamilton Homebuilders Association

7.1 "The City will work with the Hamilton and District Home Builders' Association to explore opportunities for affordable homeownership."

The City has consulted with the Hamilton Home Builders' Association on a number of related housing issues in the past. In order to further explore opportunities for affordable home ownership it is suggested that a liaison with the Hamilton and District Home Builders' Association be continued to examine opportunities for a demonstration project for affordable home ownership. This could include the appropriate official plan, policies, and rezoning where necessary. It is suggested that appropriate provincial lands could be utilized for the development of a demonstration project of this nature.

8.0 Hamilton Beach Strip

8.1 "The City and the Province will continue to investigate the potential for innovative and affordable housing in the Hamilton Beach Strip."

The Department has been negotiating for major funding for the Beach Strip since discussions started on the Provincial/Municipal Housing Agreement. A major problem to date has been attempting to coordinate the various Provincial Ministries, who have an interest in the area. The Ministries of Housing, Environment, Transportation and Tourism, and Culture. The City is attempting to secure capital funding for hard services in return for provision for "affordable housing" as defined by Provincial guidelines.

The Department of Community Development recommends that the Mayor and City Clerk be authorized to execute the Agreement as this document can provide the necessary framework for further negotiations with the new Provincial Government.

c.c. Mr. L. Sage, Chief Administrative Officer
Mr. E. C. Matthews, City Treasurer
Mr. A. Georgieff, Director of Local Planning

Aug 14/90
800-1070-04
90/8/14

CITY OF HAMILTON AND MINISTRY OF HOUSING
JOINT HOUSING ACTION AGENDA

Background

The City of Hamilton first approached the Ministry of Housing in the Summer of 1988 to express its interest in pursuing a partnership with the Ministry of Housing to address the needs of the community for affordable housing. This joint Housing Action Agenda includes affordable housing initiatives through redevelopment projects to revitalize neighbourhoods and provincial program support for non-profit and affordable housing as well as residential intensification.

1.0 Targeted Revitalization Initiative

The objective of this initiative is the creation or preservation of rental units in marginal neighbourhoods in the City of Hamilton.

1.1 The City of Hamilton will enter into an operating agreement with the Ministry of Housing to deliver the Convert to Rent program on a fee for service basis.

1.2 The City of Hamilton will provide $800,000 as an enriched loan component to the Convert to Rent Program to make it possible to bring marginal conversions into the Program.

1.3 The Ministry of Housing has provided to the City of Hamilton a total allocation of 2300 units for rooming houses, regular units and disabled modifications under the Low-Rise Rehabilitation Program.

1.4 The City will consider initiatives to unlock private financing for revitalizing marginal neighbourhoods.

1.5 The Ministry of Housing will actively encourage and support an application by the City for funding under the Home Planning Advisory Service, within one year from the date of this Agreement, to assist property owners with housing intensification and rehabilitation programs. A firm commitment by the City to apply for funding must be in place by December 1, 1990.

1.6 The Ministry of Housing will actively encourage and support an application by the City for funding under the Neighbours Program, within one year from the date of this Agreement, to undertake an educational/promotional campaign to support housing intensification. A firm commitment by the City to apply for funding must be in place by December 1, 1990.

1.7 The Ministry of Housing will provide available promotional materials to support the housing revitalization initiative.

1.8 The Ministries of Housing and Municipal Affairs will encourage the City of Hamilton to focus their funding applications under PRIDE and PRIDE - Housing Intensification programs on neighbourhoods targeted for housing revitalization.

2.0 Non-Profit Housing

2.1 The Ministry of Housing has provided a reserve allocation of 300 units to the City of Hamilton.

2.2 The City will continue to provide a $5 million loan fund for land acquisitions for non-profit housing.

2.3 The City agrees to undertake a leadership role in conjunction with a coalition of local social housing providers, in developing advocacy initiatives to support social housing providers in the delivery of non-profit housing.

2.4 The Ministry of Housing will encourage the City to continue to enhance its municipal non-profit housing function.

2.5 The City will continue to monitor procedures for streamlining approvals for non-profit housing.

2.6 The City will work with the Social Planning and Research Council of Hamilton and District as well as the Housing Help Centre to address neighbourhood opposition to non-profit housing (NIMBY issues).

2.7 The City intends to pursue its policies of encouraging affordable housing in the Central Area through the use of non-profit housing programs.

3.0 Housing First on Government Land

3.1 The Province will encourage all Ministries to expedite their review of vacant land holdings to release land for affordable housing.

3.2 The City supports a Housing First policy on government lands and will review and prepare an inventory of its land holdings for suitability for residential use.

3.3 The City and Province will encourage the Region of Hamilton-Wentworth to adopt a Housing First policy for its land holdings and to review these land holdings for suitability for residential use.

4.0 Provincial Housing Policy Implementation Study

4.1 The City adopted a work program to implement the Provincial Policy Statement on Land Use Planning for Housing. The Ministry of Municipal Affairs have approved Hamilton's application for funding of $51,000 under the Community Planning Grant (Housing) Program to undertake a study in eight areas required to implement the Policy Statement including:

- ten year supply of land;
- servicing policies;
- three year supply of serviced lots;
- streamlining the process;
- housing types and distribution;
- 25% affordable housing;
- housing intensification; and
- monitoring.

4.2 The Ministry of Housing and the Ministry of Municipal Affairs will continue to work with the City to implement its planning studies.

5.0 Ontario Home Renewal Program

5.1 The City will establish an Emergency Loan Program of $200,000 to address emergency electrical, roof, plumbing or heating problems.

5.2 The Ministry of Housing will permit the City to recover funds from their existing Ontario Home Renewal Program (OHRP) trust account where the City has advanced funds for its proposed Emergency Loan Program, pending Ministry approval of the proposed guidelines associated with the program to be contained in a joint Ministry/Municipal Memorandum of Agreement.

5.3 The Ministry of Housing will consider a separate allocation for the City under the Ontario Home Renewal Program for Disabled Persons (OHRP-D), based upon discussions between the Ministry and the City, and only if funds for new commitments for this program become available.

5.4 The Ministry of Housing will fund a $10,000 Demonstration Project to determine the feasibility of re-using equipment originally funded under OHRP-D. The City of Hamilton will assume all resulting liability and prepare a report commenting on the results of the demonstration after it has been in operation for a period of one year.

6.0 Common Housing Priority List

The Ministry of Housing is working with the City and representatives of the non-profit housing sector and the Hamilton-Wentworth Housing Authority towards the development and implementation of a common housing priority system to coordinate waiting lists for non-profit and assisted housing.

6.1 The Ministry of Housing is funding a $30,000 technical study to undertake a feasibility analysis for a common housing priority system.

6.2 The Ministry of Housing will consider funding up to $20,000 for organizational expenses to set up a common housing priority system.

6.3 The City will consider contributing resources to support the implementation of a common housing priority system.

7.0 Liaison with Hamilton Homebuilders Association

7.1 The City will work with the Hamilton Homebuilders Association to explore opportunities for affordable home ownership.

8.0 Hamilton Beach Strip

8.1 The City and the Province will continue to investigate the potential for innovative and affordable housing in the Hamilton Beach Strip.

9.0 Terms of Agreement

9.1 All funding commitments from the Province are subject to appropriations from Management Board of Cabinet.

9.2 All funding commitments from the City are subject to the approval of the Council of the City of Hamilton.

9.3 The terms of this joint housing action agenda are valid for one year from the date of signing. Amendments may be mutually undertaken at any time during the term of this joint housing action agenda.

9.4 It is understood that this memorandum of understanding is not intended to limit in any way the on-going policies and undertakings with respect to housing and related matters between the Ministry of Housing and the City of Hamilton.

The foregoing is the scope of the joint housing action agenda between the City of Hamilton and the Ontario Ministry of Housing. It is a record of the interest and commitment of both parties to work together on housing matters.

Honourable John Sweeney Minister of Housing and Minister of Municipal Affairs Province of Ontario	Date Signed
Robert Morrow Mayor City of Hamilton	Date Signed

3.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1990 September 10

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

SUBJECT: Crown Point West/Stipeley P.R.I.D.E. Phase II;
Authorization to Sign the Provincial/Municipal Agreement

RECOMMENDATION:

That, the Mayor and City Clerk be authorized to sign the Provincial/Municipal Agreement for the Crown Point West/Stipeley Phase II Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.).

E. Kowalski

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

On 1989 April 19 the Ministry of Municipal Affairs, Community Development Branch approved the City of Hamilton's application for financial assistance under the P.R.I.D.E. Programme for the Crown Point West/Stipeley Phase II in the amount of seven hundred thousand dollars ($700,000.) 50% Provincial and 50% Municipal. Subsequently, on 1990 May 16, City Council authorized that the project be proceeded with and that the Ministry of Municipal Affairs be advised of the City of Hamilton's intention to utilize the funds. In order to do so, an agreement between the Ministry of Municipal Affairs and the City of Hamilton must be signed and executed. This agreement has been reviewed and approved by the City Solicitor's Department.

cc: Ms. P. Noe Johnson, City Solicitor
City Solicitor's Department

ATTENTION: Mr. B. Loreto, Asst. Solicitor

4.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1990 September 13

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. E. W. Kowalski
Director of Community Development

SUBJECT: Crown Point West/Stipeley Phase II
Programme for Renewal, Improvement, Development
and Economic Revitalization (P.R.I.D.E.);
Appointment of Consultant

RECOMMENDATION:

a) That, Basciano-0'Connor Landscape Architects Ltd., 1150 Blair Road, Burlington, Ontario, L7M 1K9, be appointed to carry out the design, concept development, detailed drawings and specifications for the Crown Point West/Stipeley Phase II Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.) at a total set fee of thirty thousand dollars ($30,000.) as per the attached Schedule 'A'; and,

b) That, the City Solicitor be authorized and directed to prepare the necessary legal agreement to carry out (a) above; and,

c) That, the Mayor and City Clerk be authorized to sign the legal agreement referred to in (b).

E. Kowalski

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Funds are available in the Crown Point West/Stipeley Phase II P.R.I.D.E. Account No. CF 5200 428902002.

...../2

BACKGROUND:

On 1989 April 18 the Ministry of Municipal Affairs approved the City of Hamilton's application for matching funds under the Crown Point West/Stipeley Phase II Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.) for a total gross cost of seven hundred thousand dollars ($700,000.) (50% Municipal and 50% Provincial). On 1990 July 25 an Information Report was received by the Planning and Development Committee identifying some of the needs of the commercial and industrial community as follows: tree planting and landscape treatment adjacent to railway lands in industrial and commercial districts as well as improved hard services and lighting. In order to review and implement some of these improvements, a landscape architect is required. Basciano-O'Connor Landscape Architects Ltd. were retained to carry out the design, detailed drawing, specification preparation and contract management for Phase I of the Crown Point West/Stipeley P.R.I.D.E. Programme and are, therefore, very familiar with the neighbourhood and its needs. Because of the firm's previous experience in this regard, we are recommending that they be appointed to carry out Phase II of the project.

cc: Alderman B. Hinkley, Ward Three

Alderman D. Drury, Ward Three

Mr. E. Matthews, City Treasurer
Treasury Department

ATTENTION:Mr. B. Hill, Senior Accounting Clerk

Mr. T. Bradley, Manager
Purchasing Department

Ms. P. Noe Johnson, City Solicitor
City Solicitor's Department

ATTENTION:Mr. B. Loreto, Asst. Solicitor

BASCIANO • O'CONNOR
LANDSCAPE ARCHITECTS
(A DIVISION OF FRANK BASCIANO LANDSCAPE ARCHITECTS LIMITED)
1150 Blair Road, Suite #101, Burlington, Ontario L7M 1K9 Fax. (416) 332-3409 Tel. (416) 332-7604

"A"

September 12, 1990

The Corporation of The City of Hamilton
Department of Community Development
71 Main Street West
Hamilton, Ontario
L8N 3T4

Attention: Mr. Ed Kowalski

RE: Stipeley / Crown Point West Phase II P.R.I.D.E.
Proposal of Consulting Services

Dear Sir:

We appreciate this opportunity to submit for your consideration and review our proposal for consulting services for the Design Development, Contract Document Preparation and Contract Management of the Crown Point West/Stipeley Phase II P.R.I.D.E. in Hamilton.

Based on our previous experiences with Homeside O.N.I.P. and The Corktown/Stinson O.N.I.P., and The Downtown Hamilton Action Plan work; we recognize the intensive co-ordination and consulting process that will be required throughout this project. We also understand the probable time frame for the design and development Tasks to achieve a successful completion.

We have organized an overall programme for data collection, concept design, meetings, contract document preparation, tendering and contract management. An important aspect of this project will be the detailed review of neighbourhoods in order to determine opportunities for enhancement through tree planting, buffering, and/or other landscape treatments.

This will be accomplished through site analysis as well as through a review of any existing research information as compiled by City staff.

Particular emphasis will be placed on northerly areas of neighbourhoods which abut industrial properties. Opportunities for street enhancement will be sought out in residential sectors of the neighbourhoods.

PROGRAMME

We have organized the Programme into three phases of work, which are characterized as follows:

1. BACKGROUND DATA COLLECTION/CONCEPT DEVELOPMENT
2. DETAIL DESIGN/CONTRACT DOCUMENTS
3. CONTRACT MANAGEMENT

TASK ONE: Background Data Collection/Concept Development

-collect background base information such as legal information, municipal services, traffic, etc.
-overall review of all existing background documentation.
-photograph all existing sites and surrounding land uses.
-meet with city staff and discuss preliminary Programme development.
-prepare Preliminary Design concepts for staff review discussion and agreement together with Committee Consultation/Agreement.
-prepare preliminary budget for review to ensure designs meet with overall Programme Budget.
-meetings with staff, citizens, committees of Council, etc.
-modify designs based on public input and staff/committee input.

TASK TWO: Detail Design/Contract Documents

-incorporate revisions from design process, set budget priorities based on committee/staff direction.
-prepare contract document package for various sites, detail design areas, planting plans. (details, specification, tender form if required).
-co-ordinate and incorporate hard servicing works as required prepared by regional engineering.
-finalize cost estimates based on detail design.
-circulate and solicit for staff comment prior to finalizing contract documents.
-incorporate revisions as required.
-provide final document sets for tendering to city purchasing.
-co-ordinate during Call for Tender, respond to inquiry, prepare addendum as required, review tenders after closing and make recommendations to Committee and Council.
-revise contract as required to meet budget objectives.

TASK THREE: Contract Management
Meetings/Co-ordination:

-attend pre-construction and scheduled job construction meetings with Contractor and City/Regional Staff.
-provide overall management and design inspection together with Regional Engineering inspection staff.
-co-ordinate with City/Regional Staff throughout construction regarding municipal requirements/changes.
-report to Community Development and Public Works as required.
-provide contract administration, site inspections, certification of payment, certificates of substantial performance, total performance, final acceptance, warranty forms, etc.

SCHEDULE OF FEES

TASK ONE:	BACKGROUND DATA/CONCEPT DEVELOPMENT	$ 8,000.00
TASK TWO:	DETAIL DESIGN/CONTRACT DOCUMENTS	$ 12,000.00
TASK THREE:	CONTRACT MANAGEMENT	$ 10,000.00
	TOTAL PROFESSIONAL FEES	$ 30,000.00

NOTE: Should any additional scopes of work be required, these would be done only following your authorization.

We have assumed that the construction of the sites will be concurrently running.

Our professional fees are based on total construction costs of $ 300,000.00, with our fee calculated at 10% of construction costs. If construction cost vary, fees would change accordingly.

DISBURSEMENTS

We propose to bill all disbursements such as mileage, printing, courier, etc. at cost plus a 10% administration fee.

We estimate these to be approximately $ 300.00 to $ 400.00.

These costs would exclude the reproduction and printing for Tendering of Contract Sets.

Our per diem rates for any work in addition to that which is outlined above, are as follows:

Principal	$500.00 / 7.5 hr day
Senior Landscape Architect	$450.00 / 7.5 hr day
Landscape Architect	$340.00 / 7.5 hr day
Staff	$300.00 / 7.5 hr day

Our terms of payment are that on a monthly basis we invoice for work performed on this project. Terms of Payment are Net 30 days with Service Charges of 1 1/2% per month added to the unpaid balance owing.

We are particularly interested in working with The City again. Based upon previous experience with similar projects we recognize the steps required to achieve approvals and deadlines associated with the Programme and assure you of our firm's ability to meet this objective.

We appreciate having an opportunity to be of service and in the event of questions please do not hesitate to contact us.

Yours truly,
BASCIANO - O'CONNOR LANDSCAPE ARCHITECTS

M. Mokrycke

Ms. Marianne Mokrycke

MM:bl

5.

FOR ACTION

REPORT TO: MRS. S. READER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: E.M. GILL, P. ENG.
ACTING COMMISSIONER OF ENGINEERING

1990

DATE: 1990 Sept 11
COMM FILE:
DEPT. FILE: S714-08

SUBJECT

"Nash Orchard Heights West" Subdivision, Hamilton.

RECOMMENDATION

That Item 1.5 of Schedule "D" of the City of Hamilton Subdivision Agreement for Nash Orchard Heights West be amended to state "Security required for Parkland Purposes $200,000.00" and that said securities be held until 1992, and at that time the developer will either transfer to the City, lands equal to the deficient parkland areas of 1540.28m^2 or make a cash payment of $200,000.00 in lieu of dedicating said lands.

Ted Gill

E.M. Gill, P. Eng.
Acting Commissioner of Engineering

FINANCIAL IMPLICATIONS

N/A

Cont'd....

Cont'd....

BACKGROUND

In 1987 the developer of Nash Orchards Heights West applied for and was granted permission by City Council to post securities in the amount of $110,000 for the outstanding value of lands yet to be acquired in a neighboring subdivision, to be dedicated to the City for park purposes. The lands that were to be dedicated are within the Nash Orchard Heights South Subdivision owned by William Nash. Unfortunately he has refused to honor their option to purchase, therefore they must prove their case in court and this matter could take up to a year or more to resolve.

Therefore, the dveloper has requested a two year extension in this matter. To fully protect the City's interest in this matter an increase in the security amount to $200,000.00 has been recommended by the City Real Estate Department.

The original City Council Resolution approved 87-09-01 item 13(b) of the Planning and Development Committee Report as follows:

> That the City Subdivision Agreement for "Nash Orchard Heights West" make provisions to hold securities totalling $110,000.00, being the market value of this remaining portion of the 5% parkland dedication requirement which is 1,540.28m^2, the said securities to be held until 1990. At that time the Developer will either transfer to the City lands equal to the deficient parkland area of 1540.28m^2 or make a cash payment of $110,000.00 in lieu of dedicating the said lands.

PS:rbo

6.

FOR ACTION

REPORT TO: MRS. S. REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

FROM: E. M. GILL, P.ENG.
ACTING COMMISSIONER OF ENGINEERING

DATE: September 5, 1990
COMM FILE:
DEPT FILE: S726-102

SUBJECT:

Land Severance Applications "H-120-89" to "H-125-89" (inclusive), Hamilton

RECOMMENDATION:

i) That the City of Hamilton Convey to the adjacent owners (832200 ONTARIO LTD.) lands known as Part 14 of Plan 62R-4121, on Templemead Drive, in the City of Hamilton, and that the sale price for these lands be $1.00.

ii) That City Real Estate Department be authorized to sell Part 14 Plan 62R-4121.

iii) That City Solicitor be authorized to execute any documents required in this matter.

Ted Gill

E. M. Gill, P.Eng.
Acting Commissioner of Engineering

FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

These lands are located on the east side of Templemead Drive in the Templemead neighbourhood.

Cont'd ...

Land Severance Applications "H-120-89" to "H-125-89" (inclusive), Hamilton

Cont'd ...

The owner of the lands for the above noted severances has paid to the City and Region all outstanding servicing costs related to the reserve adjacent to their property. The reserve is in excess of lands required for road allowance purposes therefore must be transferred to the adjacent owners. This is in normal city procedures and policies, to sell lands outside the road allowance once all servicing costs have been paid.

PS:ccc

PLAN 62R-4121

REFERENCE PLAN
PART OF LOT 5
CONCESSION 8
FORMERLY IN THE TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF
HAMILTON-WENTWORTH

A.J. Clarke O.L.S. 1977

PART 1
PART 2
PART 3
PART 4
PART 5
PART 6
PART 7
PART 8
PART 9
PART 10
PART 11
PART 12
PART 13
PART 14
PART 15
PART 16
PART 17
PART 18
PART 19
PART 20

PART 2 PLAN 62R-865
PART 1 PLAN 62R-865
PART 3 62R-865

LOT 5
CONCESSION 8
LOT 4

UPPER OTTAWA STREET

ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 4 AND 5

Detail "A"

Detail "B"

CURVE DATA

CAUTION:

LEGEND:

SURVEYOR'S CERTIFICATE:

RYMAL ROAD EAST

ROAD ALLOWANCE BETWEEN THE TOWNSHIP OF BARTON AND THE TOWNSHIP OF GLANFORD
(FORMERLY THE KING'S HIGHWAY NO 53 DEPOSITED PLAN NO 843 MISC.)

A.J. Clarke & Associates

7.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1990 September 6 SEP 6 1990

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: P. Noé Johnson,
City Solicitor

SUBJECT: Repeal of Designation of 65 Markland Street

RECOMMENDATION:

That the City Solicitor be authorized to prepare and register on title a By-law to repeal By-law No. 89-295, which designated 65 Markland Street as property of historic and architectural value and interest, for presentation to City Council.

P. Noé Johnson

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

On August 29, 1989, City Council passed By-law No. 89-295 to designate 65 Markland Street as property of historic and architectural value and interest. Subsequently, the owner applied to City Council for consent to demolish the property. On December 12, 1989, City Council refused the demolition request and prohibited any demolition for 180 days. Following expiration of the waiting period, the Building Department confirmed that demolition of the house at 65 Markland Street has been completed. Under Section 34 of the Ontario Heritage Act, when a designated property is demolished, the municipality shall pass a by-law to repeal the designation to correct the registered title. The by-law will be registered on title and notice of the revoking of the designation will be advertised in accordance with the Ontario Heritage Act.

c.c. Mr. A. L. Georgieff,
Director of Local Planning
Attention: Mrs. N. Chapple,
Architectural Historian
c.c. Mr. L. C. King,
Building Commissioner
c.c. Ms. C. J. Coutts,
Secretary, L.A.C.A.C.,
City Clerk's Department

8.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1990 September 12

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Ms. P. Noé Johnson
City Solicitor

SUBJECT: Expropriation - Offer of Compensation and Notice of Possession
Property known municipally as 403 Sherman Avenue North

RECOMMENDATION:

That with respect to the vacant residential property municipally known as 403 Sherman Avenue North, expropriated pursuant to Expropriation By-law No. 90-35 for the purpose of removing residential uses from the Industrial-zoned areas of the Alpha Enclave, that the City Clerk be authorized to:

(a) Sign and serve Notice, in accordance with Section 41 of the Expropriations Act, that possession of the expropriated land is required;

(b) Sign and serve Offers of Compensation, in accordance with Sec. 25 of the Expropriations Act, for the expropriated land as follows:

The total Offer of Compensation for this property is $50,000.00. This is to be distributed among the following former Owners and encumbrancers:

DONALD ARNOTT	SPOUSE OF DONALD ARNOTT
AUDREY ARNOTT	SPOUSE OF AUDREY ARNOTT
RAJ RANI JAIN	SPOUSE OF RAJ RANI JAIN
SUMAT PARKASH JAIN	SPOUSE OF SUMAT PARKASH JAIN
DOUGLAS MacDONALD	SPOUSE OF DOUGLAS MacDONALD
ALDINA MacDONALD	SPOUSE OF ALDINA MacDONALD
GEORGE WILLARD ROBERTS	SPOUSE OF GEORGE WILLARD ROBERTS
BARBARA ROBERTS	SPOUSE OF BARBARA ROBERTS
STANLEY SMIESKA	SPOUSE OF STANLEY SMIESKA
CANADA TRUST COMPANY	HOUSEHOLD FINANCE CORPORATION
McKERLIE-MILLEN ONTARIO INC.	NATIONAL BANK OF CANADA
NATIONAL TRUST COMPANY	ONTARIO LEGAL AID
TEXACO CANADA INC.	MAYNARD BATH

RECOMMENDATION ..... Cont'd

SPOUSE OF MAYNARD BATH	SATWANT BEDI
SPOUSE OF SATWANT BEDI	PARKASH BEDI
SPOUSE OF PARKASH BEDI	DAVID F. DONOVAN
SPOUSE OF DAVID F. DONOVAN	ROBERT HARTSHORNE
SPOUSE OF ROBERT HARTSHORNE	P.J. ASSOCIATES COLLECTION SERVICES

P. Noë Johnson

FINANCIAL/STAFFING/LEGAL IMPLICATIONS

The Treasurer has advised that funds are available in Account No. CF 5590 308750001 in the Alpha Enclave Clearance Program.

BACKGROUND

This property is vacant residential property located in the Industrial-zoned areas of the Alpha Enclave, which are west of Sherman Avenue North and North of Barton Street. To date, the City has acquired 24 of the 39 properties in the Alpha West part of this project.

This property was expropriated on 05 March 1990 by Expropriation Plan No. 38851, pursuant to Expropriation By-law No. 90-35, enacted on 30 January 1990. It was expropriated under the authority of Section 34(8) of the Planning Act to acquire the lands, buildings, and structures used or erected for a purpose that does not conform to Zoning By-Law No. 6593.

In this expropriation, there are a number of former owners and encumbrancers who appear to have an interest in the property, due to several defects in the property's chain of title. The Expropriations Act vests ownership of the expropriated property in the City, clear of the said title defects.

However, the Expropriations Act does require the City to make an Offer of Compensation and to give Notice of its intention to take possession to all former owners, tenants and encumbrancers in order to acquire possession of the expropriated land.

Copies of an independent appraisal report which valued the land at $50,000.00 will be served with the City's Offer of Compensation. The said Offer of Compensation and the notice of Possession are recommended by the Director of the Property Department.

cc. Mr. D.W. Vyce, Director of Property
cc. Mr. E.C. Matthews, City Treasurer

TASK FORCE ON AFFORDABLE HOUSING

9.

August 21, 1990

Alderman John Smith
Chairman
Planning & Development Committee

Attention: Ms. Susan Reeder, Secretary
Planning & Development Committee

Dear Alderman Smith:

RE: HOUSING INTENSIFICATION STUDY

The Regional Chairman's Task Force on Affordable Housing is considering the above study, since it deals with many important issues which affect the provision of affordable housing in Hamilton and elsewhere in the region.

Several Task Force Members attended the July 11 public meeting on the study and were most interested in the discussion which took place. Our Task Force would very much appreciate having the study referred to it for a full review and response.

We hope that the Task Force may learn much about residential intensification from undertaking such a review and also assist your committee's most important work.

Should you have any questions on this matter, please do not hesitate to contact me, or the Task Force Co-ordinator.

Yours sincerely,

David Christopherson, Chairman
Regional Chairman's Task Force
on Affordable Housing

SR:nb

c.c. - Regional Chairman Reg Whynott

- Mr. Steve Reynolds
Co-Ordinator
Regional Chairman's Task Force
on Affordable Housing

The Regional Municipality of Hamilton-Wentworth
119 King Street West. P. O. Box 910, Hamilton, Ontario (416) 546-2423, Fax: 546-2340

10.

CITY COUNCIL
HAMILTON, CANADA

Alderman Don Drury

71 MAIN STREET WEST L8N 3T4 • (416) 546-2730 • RES. (416) 545-7077 – WARD 3

Memorandum

****

TO: Planning and Development Committee

YOUR FILE:

FROM: Mr. Don Drury
Alderman, Ward 3

OUR FILE:
PHONE: (416) 526-2730

SUBJECT: Ammunition in Gun Shops

DATE: 1990 August 18

Background

In a report dated July 30, 1990 from Patrice Noe-Johnson our City Solicitor to Susan Reeder, Secretary of the Planning and Development Committee, it was noted that the City of Hamilton has the jursidiction to prepare and enforce a by-law concerning the amount of ammunition stored in licensed gun shops. This report was prepared in response to concerns raised at the May 2, 1990 meeting regarding the Locke Street Gun Shop that under the current regulations a gun shop owner can literally store enough explosives to destroy sizeable segments of our community.

Recommendation

That a By-law Task Force be struck with representatives from the License Section of the City Clerk's Department, Building Department and the Police force to report back to our Committee the advisability and feasibility of establishing a by-law regulating the type and amount of ammunition to be stored at any one location.

DD:jf

"Copy sent to Members of the Planning & Development Committee; Mr. L. Sage, Chief Administrative Officer; Mr. L. King, Building Commissioner; Mr. D. Vyce, Director of Property; Ms. Patrice Noé Johnson, City Solicitor; Mr. T. Gill, Acting Commissioner of Engineering - Attn: Mr. K. Brenner and Mr. A. Georgieff, Director of Local Planning - 1990 August 17th".

CITY OF HAMILTON

JUL 30 1990

- INFORMATION -

DATE: 1990 July 30

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Ms. P. Noé Johnson
City Solicitor

SUBJECT: Ammunition in Gun Shops

BACKGROUND:

The Planning and Development Committee at its regular meeting May 2, 1990 referred the regulation of ammunition in Gun Shops to the City Solicitor to investigate prohibitive measures which the City can take to limit the amount of ammunition in Gun Shops.

FINANCIAL /LEGAL/STAFFING IMPLICATIONS: n/a

DISCUSSION:

Jurisdiction: Ammunition, being an explosive, is regulated by Federal Statute (The Explosives Act, R.S.C. 1970 c. E-15; and The Criminal Code s.77). It is further regulated by the Provincial legislation (the Fire Marshals Act R.S.O. 1980 c.166 and Regulations thereto, ie. the Ontario Fire Code). These laws primarily address the issues of manufacture, sale, storage and use of explosives.

The Municipal Act, R.S.O. 1980 c.302 s.210 (8-17) authorizes municipal councils to pass by-laws to regulate the storage of designated explosives and limit quantity of gunpowder. This power appears to be granted specifically to address the risk of explosion and serious fire. Statute law allows municipal regulations to be more stringent than the Fire Code, however, the municipal regulations may not conflict with the Statute imposed standards.

The municipality may also license businesses that store at least 11 kilograms of gunpowder (among other dangerous or explosive substances) for a term of license which can not exceed 5 years and the fee which cannot exceed $25/month.

The relevant authority for a regulatory by-law of a municipality is the Municipal Act not the Planning Act,1983, thus no public participation need be sought before Committee recommends such a by-law to Council. The fine available in a by-law passed pursuant to the Municipal Act is limited to $2,000.00 maximum per conviction for breach of the by-law. Section 210 (11) of the Municipal Act allows the municipality to regulate the quantity and the manner of storage, but only with respect to gunpowder outside of a "magazine", understood generally to be an enclosed, approved storage building or structure.

Enforcement: The municipality may govern the amount of ammunition stored by licensing shops in accordance with its regulations. The power to license, regulate and govern a business and its premises necessarily implies a right of the licensing authority to inspect, particularly where the primary reason for licensing is the protection of the public (rather than raising revenue for the City). Once regulated by the Municipality, the city has the right to license and inspect, set fines for contravention, and consider revoking/suspending licences through "show cause hearings" as the case may be.

Proposed Regulations: For specific drafting of a regulating By-law, a task force with representatives with technical and administrative data base from the License Section of the Clerk's Department, Fire Department, Building Department, and perhaps Regional Police, could be convened with any necessary support of this Office to report back to Committee.

11.

CITY COUNCIL
HAMILTON, CANADA

Alderman Vince Agro
Chairman — Legislation Committee

71 MAIN STREET WEST L8N 3T4 • (416) 526-2733 • RES. (416) 528-2009 — WARD 2

27 September 1989

Ms. Susan Reeder, Secretary
Planning & Development Committee

Dear Ms. Reeder:

RE: SOUTH LEG OF KING STREET EAST BETWEEN JAMES & JOHN STREETS

Further to the memo of September 22, 1989 from the Secretary of the Transport and Environment Committee regarding the above, I am enclosing copies of past correspondence in respect to this issue.

Could you please advise Mr. Scarfone and myself when this matter will be dealt with by the Planning and Development Committee so that we can appear at the meeting.

Thank you for your cooperation and I look forward to your reply.

Sincerely,

Vince Agro

Vince Agro
Alderman, Ward 2

VJA:sn

Attch.

c.c. Mr. J. Scarfone, P. O. Box 926, Stn. A., Hamilton, L8N 3P9

Corporation of the City of Hamilton

Memorandum

****

TO: Mrs. S. K. Reeder, Secretary
Planning and Development Committee

YOUR FILE:

FROM: Robert C. Prowse, Secretary
Transport and Environment Committee

OUR FILE:
PHONE: 526-2747

SUBJECT: **SOUTH LEG OF KING STREET BETWEEN JAMES AND JOHN STREETS**

DATE: 1989 September 22

This is to advise that the Transport and Environment Committee at its meeting held Monday, 1989 September 18, discussed the above matter in some detail. Mr. James Scarfone, Solicitor, appeared before the Committee representing the businessmen in this area, requesting that consideration be given to reopening the south leg of King and permitting short term parking in this area between James and John Streets.

It was agreed by the members of the Transport and Environment Committee to refer this matter to the Planning and Development Committee and to advise that the Transport and Environment Committee would favourably support an investigation into the feasibility of reopening to vehicular traffic, the south leg of King between James and John Streets and to the provision of short term parking. The Transport and Environment Committee also respectfully suggested that representatives from all the appropriate agencies be involved in any discussions pertaining to this matter.

It would be appreciated if you would bring this matter to the attention of the members of the Planning and Development Committee at your earliest convenience.

RCP:lp

cc: Alderman H. Merling
Alderman V. Agro
Mr. James A. Scarfone

BROWN, SCARFONE, FERNIHOUGH, BROWN

BARRISTERS, SOLICITORS, NOTARIES PUBLIC

E. WADE FERNIHOUGH, B.A., LL.B.
JAMES A. SCARFONE, B.A., LL.B.
JAMES CAMPBELL BROWN, B.A., LL.B., LL.M.
ROBERT SCOTT BROWN, B.A., LL.B.
JOSEPH C. MONACO, B.A., LL.B.

25 MAIN STREET WEST
SUITE 1000
HAMILTON, ONTARIO L8P 1H1
Telephone (416) 523-1333

May 1, 1987

Mr. Vince Agro
Alderman, Ward Two
City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Dear Mr. Agro:

RE: DAVE LEE & THE CITY OF HAMILTON

I represent Mr. Dave Lee who is one of the proprietors of a clothing store known as 28 Southside, located at 28 King Street East, in the City of Hamilton.

As you know, this clothing store is on the south side of King Street between Hughson and James Streets. For some time the street has been closed up to the public. This is an intolerable situation and without even considering the inconvenience and health hazard of the exhaust fumes from the standing buses, there is no earthly reason why members of the public should not be able to drive down this street and park to look after their business for a reasonable period of time. This will not interfere with the buses nor will it interfere with whatever interests the City may have had in closing the street up in the first place.

This is an unfair and discriminatory situation that must be remedied.

As a member of the Transportation Committee we are seeking your assistance to remedy this situation as soon as possible. I have sought from the City Clerk's Office a copy of the appropriate by-law which must have been passed to close this street up and remove all parking and driving rights on this part of King Street.

Once I have had a chance to look at the by-law I would be pleased to meet with you and your Committee to pursue this matter further. Would you kindly acknowledge receipt and advise what further information or assistance I can give so that this matter may receive proper consideration.

I thank you for your courtesy and your interest in our client's situation.

Yours very truly,

BROWN, SCARFONE, FERNIHOUGH, BROWN

JAMES A. SCARFONE
/wj

cc: 28 Southside

E. W. KOWALSKI
DIRECTOR

REFER TO FILE NO. JAN 13 1989
800-0602
YOUR FILE NO.

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF COMMUNITY DEVELOPMENT

P.O. BOX 2040
HAMILTON, ONTARIO
L8N 3T4
TEL. 526-4540

1989 January 10

Mr. D. Lee
Southside Men's Shop
28 King Street East
Hamilton, Ontario
L8N 1A4

Dear Mr. Lee:

Re: Access Restrictions to the south leg of King Street East

On 1988 November 24, the Downtown Action Plan Co-ordinating Committee further reviewed the subject and all Committee members present concurred that no action should be taken in regard to your request to alter these restrictions (minutes of meeting attached). For your information, we have attached a number of written comments from various City and Regional Departments such as Hamilton Wentworth Regional Police, Public Works, Transportation Division of the Engineering Department, Hamilton Street Railway and the Local Planning Branch of the Planning and Development Department.

If you wish to pursue this matter further, please contact the Department of Community Development and we will assist you in approaching the appropriate sub-committee of Council with your concerns. If I can be of any further assistance, please give me a call at 526-2754.

Sincerely,

Ms. J. McNeilly
Co-ordinator of
Community Renewal

JM:dp

c.c. Alderman V. Agro, Ward Two
Mr. V. Abraham, Planning Department

Hamilton-Wentworth Regional Police
155 King William Street, P.O. Box 1060, Station A, Hamilton, Ontario, Canada, L8N 4C1 Telephone: (416) 522-4925
Chief of Police Colin T. Millar

22 December 1988

DEC 29/88
SCC-0602
929-40
88/12/29

City of Hamilton
Department of Community Development
P.O. Box 2040
Hamilton, Ontario
L8N 3T4

Attention: Ms. J. McNeilly, Co-ordinator of Community Renewal

Dear Ms. McNeilly:

Re: Vehicular Access to south leg of King Street East; James to Hughson Streets

The present status as we are all aware on the south branch of King Street East at the Core has been such for a great number of years.

It is my experience and that of other officers I have spoken with that the present situation is the most suitable to all it effects.

The vehicular prohibition on King Street East in this area is of a short duration each day and serves the Public Transit System and its patrons.

I sincerely feel that the traffic movement in the Downtown Core is not inhibited by this closure.

In dealing strictly with the enforcement aspect, it was and still is occasionally of concern. The official signs which are regulation in size and number are more than clear to the motorist. If one is unfortunate enough to be issued an Offence Notice, it is due only to not paying attention (signs) or blatantly disregarding them.

If I can be of any further assistance please do not hesitate to contact me.

Yours truly,

Staff Sergeant Gene Williams
Traffic Division

E. W. KOWALSKI
DIRECTOR

REFER TO FILE NO.
800-0602
YOUR FILE NO.

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF COMMUNITY DEVELOPMENT

P.O. BOX 2040
HAMILTON, ONTARIO
L8N 3T4
TEL. 526-4540

DOWNTOWN ACTION PLAN

CO-ORDINATING COMMITTEE

MINUTES OF MEETING

1988 NOVEMBER 24

9:30 A.M.

ROOM 233

PRESENT:	Alderman Wm. McCulloch	Chairman
	G. Etele	Downtown Promenade B.I.A.
	J. Mokrycke	L.A.C.A.C.
	J. Sherman	Jamesville B.I.A.
	T. Gill	Regional Engineering
	R. Karl	Traffic
	E. Kowalski	Community Development
	J. McNeilly	Community Development
	V. Matus	Planning & Development
ALSO PRESENT:	N. Trink	Jamesville B.I.A.
	R. Battista	Jamesville B.I.A.
ABSENT:	M. Wasserman	International Village B.I.A.
	R. Martiniuk	Architectural Division
	D. Heintz	Public Works
	J. Pacey	Community Development

1. Minutes of the Meeting held 1988 October 27

G. Etele directed the Committee to page 3 of the Minutes, top paragraph, and suggested that the first sentence should read, "he commented that some of the Board members are willing....".

J. McNeilly stated that D. Heintz could not attend the meeting and, therefore, had sent his comments about the Minutes to the Department of Community Development as follows: "J. Pavelka should be recorded as present at the meeting." On page six, bottom paragraph, last line should read, "would receive items #1 through 4 and 6".

V. Matus stated that the Planning Department would definitely welcome this expansion of the DAPCOM's mandate because the Committee is made up of a multi-disciplinary group which deals with implementation of projects.

Alderman McCulloch suggested that the Department of Community Development speak with the outlying B.I.A.s to introduce the concept to them and request their comments. Once this has been carried out a draft mandate can be submitted back to the DAPCOM to be forwarded to the Planning and Development Committee.

ii) Access restrictions to the south leg of King Street East; Comments from the Hamilton Street Railway

J. McNeilly reported to the Committee that all of the appropriate departments had been requested to provide their written comments regarding the subject,including comments from Hamilton Street Railway (H.S.R). Comments have been received from H.S.R., Engineering, Planning and previously, the Traffic Department. These can be forwarded to Mr.
D. Lee, owner of Southside who requested the review of the access restrictions.

Alderman McCulloch suggested that the Police Department should be asked for comments also. Once these have been received along with those from any other pertinent departments, they can be forwarded to Mr. Lee.

3. Other Business

i) Phase V

a) **Update regarding Poles**

J. McNeilly reported to the Committee that the H.S.R., Traffic and Lighting poles were expected to start arriving 1988 November 23, but since delivery was slightly delayed again, they will not be arriving until Monday morning (1988 November 28).

b) **Vehicular Safety at sidewalk widenings; installation of reflectors**

J. McNeilly stated that, there are three planters located in the sidewalk widening along James Street North that have been hit by vehicles, the most recent of which was hit 1988 November 23 by a taxi driver.

.....4

Downtown Action Plan Nov 24/88

Issue of allowing all traffic on South Leg of King Street

A. Pros

- permits person and goods drop-off and pickup to abutting businesses at all times of the day
- reduces demands and illegal stopping on parts of James Street South, Hughson Street, and John Street immediately adjacent to King Street south leg.
- reduces motorist confusion regarding left-turn restrictions onto King Street south leg at certain times of the day.
- encourages kiss-and-ride activity, with people dropping off companio in the South leg of King in order to take HSR or walk to wo

B. Cons

- The presence of cars may seriously affect transit service
- the principle of additional pedestrian amenities in the downtow long a goal of the Downtown Action Plan, will be compromised pedestrians have become used to crossing the south leg along its length because of the low volumes of vehicles.
- The use of the south leg as a passenger drop-off and pick-up point may result in double parking as the loading bays fill up, with the further result of transit vehicle blockage or additional enforcemen

C. Summary

If the principle of pedestrian enhancement in the downtown area is to be maintained, the South Leg of King Street should remain restricted for uses other than buses and taxis.

Transportation Division, Engineering Ted Gill

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Planning and Development Department
71 Main Street West, Hamilton, Ont. L8N 3T4

November 18, 1988

Refer to File No. P5-4-7-9
Attention of P5-2-10
Your File No

Mrs. J. Pacey
Community Renewal Officer
Department of Community Development
Hamilton City Hall

Dear Mrs. Pacey:

Re: South Leg of King Street

Further to your letter of November 3, 1988, we have the following comments regarding private vehicular access onto the south leg of King Street East.

As you may be aware, the concept of making the downtown core of Hamilton a more pedestrian place was first established in the Central Area Plan. The Plan, which was approved in 1981, incorporates specific objectives to increase pedestrian activity and public transit accessibility in the area. It is in this context that City Council in 1984 resolved to prohibit private vehicular access onto the south leg of King Street East.

In our view, the pedestrianization of this portion of King Street East has contributed positively to the community. It has revitalized the attractiveness of the downtown core and improved the safety and accessibility of pedestrians in the area.

Given the foregoing, we fully support the present status of this portion of King Street and find no reason to alter the existing policy applicable to the area.

Thank you for allowing us to comment on this matter.

Yours truly,

V. J. Abraham, M.C.I.P.
Director of Local Planning

HY:CS
0117P

cc - Mr. S. Spencer, Engineering
- Mr. H. O. Schweinbenz, HSR
- Mr. M. Main, Traffic

November 8, 1988

NOV 10/88
(SCO-CL02) SCO-CL02
979-05

Mrs. Jan Pacey
Community Renewal Officer
The Corporation of the
City of Hamilton
P.O. Box 2040
Hamilton, Ontario
L8N 3T4

Dear Mrs. Pacey:

Re: South Leg of King Street

Further to you letter of November 3rd, 1988 and your telephone conversation with my staff, we herein provide you our comments regarding the possibility of placing traffic back on the south leg of King Street between John Street and James Street.

You will recall that the original intent of the proposal tied into the removal of traffic from this section of King Street all of the way through from Catharine Street. It was the intention to create a pedestrian mall atmosphere while at the same time permitting restricted delivery traffic and buses at all times.

In the last few years, I am pleased to say that from our perspective this has worked extremely well in creating a pedestrian environment within which the bus vehicles can operate.

As manager of the public transit system I would encourage your committee to continue with this method of operation and as former Deputy Traffic Commissioner I would further encourage your committee that from a safety and traffic perspective full-time delivery vehicle and automobiles continue to be restricted in the fashion that they are today. Both the safety of the pedestrians, the bus operation and the overall traffic flow within that area would be compromised if automobiles were permitted back onto the road on a full-time basis.

What else is he going to say → he's mandate is moving buses

Yours very truly,

H. O. Schweinbenz
Commissioner of Transportation

HOS/db

cc: Mr. Stan Spencer, Commissioner of Engineering
Mr. Murray Main, Director of Traffic Services
Mr. Victor Abraham, Director of Planning

We're going your way

Hamilton, Ontario L8L 5V1 • Tel: (416) 528-4200 Fax: (416) 528-5410

E. W. KOWALSKI
DIRECTOR

REFER TO FILE NO.
800-0602
YOUR FILE NO.

MEMORANDUM

DEPARTMENT OF COMMUNITY DEVELOPMENT

P.O. BOX 2040
HAMILTON, ONTARIO
L8N 3T4

DATE: 1988 November 04

MEMO TO: Alderman V. Agro
Ward Two

FROM: Ms. J. McNeilly

SUBJECT: Vehicular access to the south leg of King Street East; South Side, Mr. D. Lee

On 1988 October 27th the Downtown Action Plan Co-ordinating Committee reviewed the request from Mr. D. Lee to alter the access restrictions on the south leg of King Street East. It was the general concensus of the members that these access restrictions should not be altered at this time. We have asked all of the Committee members to forward their comments to us, in writing, in order that we can accurately portray these in a letter to Mr. Lee. We will be asking him if he wishes to pursue his request any further and, if so, we will forward same to the Planning and Development Committee along with the comments of the Downtown Action Plan Co-ordinating Committee.

We will keep you apprised as the situation progresses.

Co-ordinator of
Community Renewal

JM:dp

c.c. Alderman Wm. McCulloch
Ward Two

Copy from Alderman Agro to: Mr. Lewis
Mr. Scarfone

MAY 17 1988

THE CORPORATION OF THE CITY OF HAMILTON
City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

1988 May 16

Alderman Vince Agro
c/o Aldermen's Office
City Hall

Re: Intersection of King Street East and Hughson Street
- Left-Turn Restriction

Dear Sir:

We refer to your letter dated 1988 April 27, in which you expressed concern regarding the northbound left-turn restriction for motorists on Hughson Street at the southerly leg of King Street. You asked us to report to you on "what improvements could be made".

As a result of the partial implementation of the Downtown Action Plan in 1984, the City Council determined that the south branch of King should be permanently closed to through traffic as part of a plan to pedestrianize this area. Northbound left-turn movements were previously prohibited from John and from Hughson to the south branch of King between the hours of 12:00 noon and 8:00 a.m. the following day, for all vehicles except buses. However, in June 1984, a delegation of businessmen from the south side of King requested that consideration be given to opening up the south branch to vehicular traffic. As a result, the City Council re-confirmed the intention of continuing with the closure of the south leg of King, but approved, on 1984 July 31, a recommendation of the Planning and Development Committee that the turn regulations for northbound vehicles on Hughson at the south leg of King be revised to prohibit left-turns only between the hours of 11:00 a.m. and 6:00 p.m., 7 days a week (buses and taxis excepted). The Regional Council subsequently approved such a revision to the turn prohibition at John and King.

In summary, the decision to prohibit left turns from Hughson onto the south leg of King was a policy decision of the City Council, and any request to the change these regulations should first be dealt by the Planning and Development Committee from which the original recommendation to "pedestrianize" this area came.

We trust that these comments will be of assistance.

Yours truly,

Murray F. Main

Murray F. Main, P. Eng.
Director of Traffic Services

MH/jd
Copy to Michelle White from Alderman Agro

11a.

GORE PARK
DOWN TOWN PROMENADE
Downtown Hamilton Business Improvement Area.
P.O. Box 1023, Station A, Hamilton, Ontario L8N 3R4 Telephone (416) 523-1646

September 5, 1990

Planning and Development Committee
Attn.: Chairman
C/O: City Hall
71 Main Street West
Hamilton, Ontario
L8N 3T4

Re: The proposed reopening of the south leg of King Street E., Hamilton, to vehicular traffic.

Dear Mr. Chairman:

The Board of Management, representing The Downtown Hamilton Business Improvement Area, after much research and careful consideration has decided that it would be in the best interests of the majority of its members to keep the south leg of King Street E. closed, at this time, to vehicular traffic.

Sincerely,

Bernard Hanna
Chairman
The Board of Management
The Downtown Hamilton Business Improvement Area

cc. Murray Main-Director of Traffic
Acting Staff Serg. Mac Heddle
Geoff Aston-Regional Engineering
John Sakala-Landscape Architect-City
Dale Turvey-HSR-Comm. of Transportation
Board of Management-Downtown Hamilton BIA

K.E. AVERY
CITY CLERK

J.J. SCHATZ
DEPUTY CITY CLERK

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

CITY HALL
HAMILTON, ONTARIO
L8N 3T4

TEL: 546-2700
FAX: 546-2095

1990 July 27

Mr. Gabriele Etele
Downtown B.I.A.
P.O. Box 1023
Station "A"
Hamilton, Ontario
L8N 3R4

Dear Mr. Etele:

Please be advised that the Planning and Development Committee at its meeting held 1990 July 25 was in receipt of a request to review vehicular access to the south leg of King Street between James and John Streets.

The Planning and Development Committee agreed to table the matter until the September 19 meeting in order to invite all interested parties to attend and provide their input.

The Planning and Development Committee was presented with the attached reports. Should you wish to provide additional information or appear before the Committee please contact Mrs. Susan Reeder, Secretary, Planning and Development Committee at 546-2753. All written submissions must be received by the Committee Secretary no later than 1990 September 04.

Yours truly,

for Lynn Dale, Acting Secretary
Planning and Development Committee

Attach.

cc: Alderman J. Smith, Chairman
Planning and Development Committee

Alderman Wm. McCulloch

Alderman V. Agro

11b.

CITY OF HAMILTON

— RECOMMENDATION —

DATE: 1990 April 19

REPORT TO: Planning and Development Committee

FROM: Murray F. Main, P. Eng.
Director of Traffic Services

SUBJECT: South leg of King Street between James and John Streets.

RECOMMENDATION:

a) That the policy decision to prohibit vehicular traffic on the south leg of King Street between James and John Streets between the hours of 11:00 a.m. to 6:00 p.m. be reconfirmed; and,

b) That the Committee authorize and instruct the Director of Traffic Services to report to the Transport and Environment Committee respecting the establishment of part-time taxi stands within the loading bays on the south leg of King Street between James and John Streets.

Murray F. Main

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: *(IF NONE, STATE N/A)*

Reopening the south leg of King Street and realigning the south curb to permit on-street parking would cost approximately $17,000 for the block between Hughson and John Streets and approximately $20,000 for the block between James and Hughson Streets.

BACKGROUND:

The Planning and Development Committee, on 1989 September 27, received a request from the Transport and Environment Committee to review the possibility of reopening the south leg of King Street between James and John Streets to vehicular traffic during the day. Since 1984, this area has been operated as a pedestrian mall between the hours of 11:00 a.m. and 6:00 p.m., seven days a week, by prohibiting vehicles other than buses and taxis from entering the area during these hours. The Planning and Development Committee "agreed that a full staff report should be compiled on this matter and brought back to the committee" and also requested that input be sought from the B.I.A., the Engineering Department, and that cost factors be included in the report.

The City Council, in 1984, determined that the south branch of King should be closed to through traffic during the day as part of a plan to pedestrianize this area. In June, 1984, a delegation of businessmen from the south side of King Street requested that consideration be given to opening up the south branch of King to vehicular traffic. As a result, the City Council reconfirmed the intention of continuing with the closure of King between Catharine and John, but approved a recommendation of the Planning and Development Committee that the turn regulations for northbound vehicles on Hughson at King be revised to prohibit left turns into the south branch of King only between the hours of 11 a.m. and 6 p.m., seven days a week (buses and taxis excepted). The Regional Council subsequently approved such a revision to the turn prohibition at John and King.

As directed, the Traffic Department has contacted the Downtown Hamilton Business Improvement Area regarding this matter, and by letter dated 1989 October 27, the Chairman of this association stated that "our B.I.A. is satisfied with the current arrangements on the south leg of King Street".

The Regional Engineering Department has reviewed the matter, and advised that the costs to reopen the south leg of King to traffic including an alteration to the south curb to allow parking and loading to occur would be approximately $20,000 for the block between James and Hughson and approximately $17,000 for the block between Hughson and John.

In a memo dated 1990 April 05, Mr. L.D. Turvey, Commissioner of Transportation, has advised that "the mixing of automobile traffic with H.S.R. operations would have a significant adverse effect on operations and pedestrian safety", and that an additional road widening would be required in order to allow the proper maneuvering of H.S.R. vehicles. Therefore, the H.S.R. does not support the suggestion that the street be reopened to vehicular traffic during the day.

The present situation provides 2 loading bays in each block, cut into the sidewalk area, which allow loading by vehicles during the hours when access is not prohibited by left turn prohibitions at Hughson Street and John Street (11:00 a.m. to 6:00 p.m., 7 days a week). Loading in these areas by taxis is permitted at all times. These bays were designed for the loading needs of the area. Therefore, any parking would require an extension of these bays, and the total number of parking spaces would be only 6 spaces in the block between John and Hughson, and 5 or 6 spaces in the block between Hughson and James. This is a minimal parking provision, and the total needs of the area are better served by the 62 space off-street lot at Main and Hughson, which is only 350 feet away from King and Hughson. A pending development of this lot would provide a total of 275 parking spaces of which 100 would be reserved for public use.

A further consideration is the request by the Taxi Advisory Committee to provide more taxi stands in the downtown area, and in this regard, there is a proposal to utilize portions of the existing loading zones as taxi stands between 11:00 a.m. and 6:00 p.m., such that taxis will be able to sit and solicit business during these hours.

In view of the above, the Traffic Department does not recommend a reopening of the south leg of King Street between James and John to vehicular traffic during the day, but as previously noted, this is a policy decision of the Planning and Development Committee and of the City Council.

12.

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

****

TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

YOUR FILE:

FROM: Mr. J. J. Schatz
Deputy City Clerk

OUR FILE:
PHONE:

SUBJECT: **Section 18 of the Fifteenth Report of the Planning and Development Committee for 1990.**

DATE: 1990 August 30
AUG 3 1 1990

Please be advised that City Council at its meeting held on Tuesday, 1990 August 28th referred back Section 18 of the Fifteenth Report of the Planning and Development Committee for 1990 which respects amended Zoning Application 90-36, for property at the rear parts of 1422 and 1430 Upper Sherman Avenue.

Would you please ensure that this matter is placed before the Planning and Development Committee at its next meeting.

12a

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

****

TO:	Alderman F. Lombardo, Chairman and Members of the Planning and Development Committee	YOUR FILE:	
FROM:	Mrs. Susan K. Reeder, Secretary Planning and Development Committee City Clerk's Department	OUR FILE: PHONE:	
SUBJECT:	**Section 18 of the Fifteenth Report of the Planning and Development Committee for 1990**	DATE:	1990 August 30

As you are aware City Council at its meeting held Tuesday, 1990 August 28th referred back Section 18 of the Fifteenth Report of the Planning and Development Committee for 1990.

For your information this Section was inaccurate. The Section should have read as follows:

> That Item 13 of the Thirteenth Report for 1990 of the Planning and Development Committee, adopted by City Council at its meeting of 1990 July 31, regarding amended Zoning Application 90-36, Carriage Gate Homes Ltd., prospective owners, be repealed and replaced with the following revised resolution:
>
> > "That approval be given to amended Zoning Application 90-36, Carriage Gate Homes Ltd., prospective owners, requesting changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "1") and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), to permit the development of the subject lands for small lot single-family dwellings, for the property located at the rear parts of 1422 and 1430 Upper Sherman Avenue, as shown on the attached map marked as Appendix "I", on the following basis:
> >
> > (a) That Block "1" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
> >
> > (b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District;
> >
> > (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;

Continued ....

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "1") and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), for the property located at the rear parts of 1422 and 1430 Upper Sherman Street.

The effect of the by-law is to permit the development of the subject lands for small lot single-family dwellings".

Also attached is the Staff Report which was presented to the Planning and Development Committee meeting held on Wednesday, 1990 August 22nd.

Trusting that this clarification will assist the Committee.

Susan K. Reader

Attch.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: August 14, 1990
COMM. FILE:
DEPT. FILE: ZA-90-36
Butler
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Amendment to Item 13, (1990) 13 R.P.D.C. July 31 - Rear Parts of Nos. 1422 and 1430 Upper Sherman Avenue.

RECOMMENDATION:

That Item 13 of the Thirteenth Report for 1990 of the Planning and Development Committee, adopted by City Council at its meeting of 1990 July 31, regarding amended Zoning Application 90-36, Carriage Gate Homes Ltd., prospective owners, be repealed and replaced with the following revised resolution:

> That approval be given to amended Zoning Application 90-36, Carriage Gate Homes Ltd., prospective owners, requesting changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "1") and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), to permit the development of the subject lands for small lot single-family dwellings, for the property located at the rear parts of Nos. 1422 and 1430 Upper Sherman Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:
>
> a) That Block "1" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
>
> b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District;
>
> c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;

d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "1") and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), for the property located at the rear parts of Nos. 1422 and 1430 Upper Sherman Street, as shown on the attached map.

The effect of the by-law is to permit the development of the subject lands for small lot single-family dwellings.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

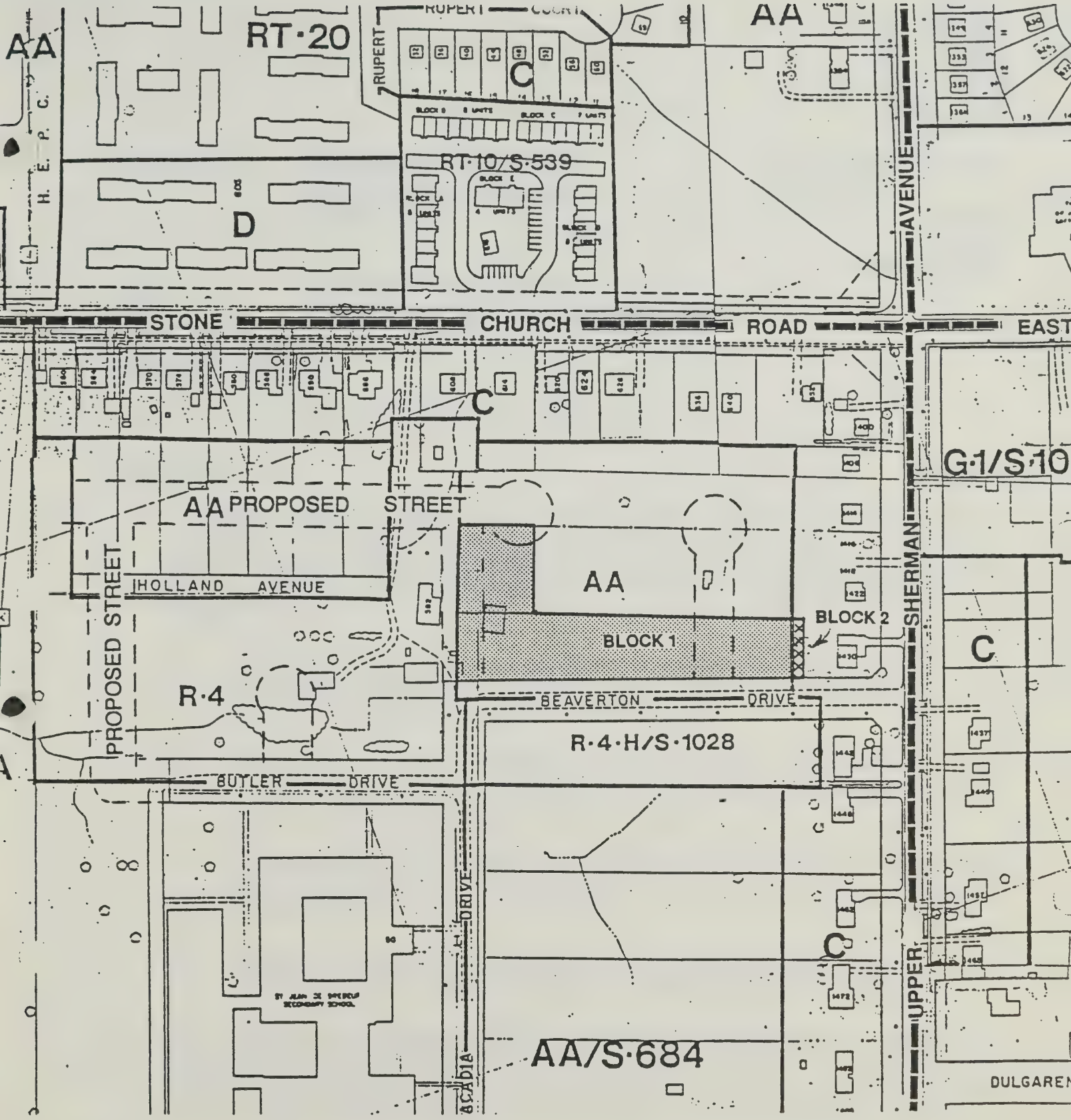
FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:

On July 31, City Council approved the rezoning for Block "1" from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District. The map contained as part of the resolution referred to two Blocks; however, inadvertently the recommendation only referred to Block "1". Accordingly, this report adds Block "2" as was originally intended.

JH-E/ma
WPZA9036



ZA90-36

Legend

Proposed change in zoning from:

BLOCK 1 — "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District.

BLOCK 2 — "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District.

13.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: September 13, 1990
COMM. FILE:
DEPT. FILE: ZA-90-06
Beasley
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a modification in zoning - Nos. 260 to 280 King Street East.

RECOMMENDATION

1. That Zoning Application 90-06 Agomen Group 1 Ltd., owners, requesting a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations to permit a 12 storey mixed commercial/residential building, on property located at Nos. 260 to 280 King Street East, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

   i) Approval of the application would be contrary to sound Traffic Planning principles, in that the proposed loading space arrangement would interfere with the efficient and safe movement of traffic along this portion of King Street East.

   ii) The proposed bulk, scale and density of development would be incompatible and out of character with the established development in this area which is predominantly comprised of 3 to 4 storey mixed commercial/residential buildings.

   iii) It represents an over intensification of land use, in that the gross floor area is approximately 58% greater than what is presently permitted for a lot of this size under the established "H" District zoning.

   iv) Approval of the application would encourage other similar applications in this area which, if approved, would undermine the intent of the Official Plan and the Zoning By-Law.

2. That approval be given to amended Zoning Application 90-06 Agomen Group I Ltd., owners, for a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations to permit a mixed commercial/residential building on property located at Nos. 260-280 King Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:

   i) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to the lands shown on APPENDIX "A", be modified to provide for the following variances as special provisions:

a) That notwithstanding Section 14 a mixed commercial/residential building shall be permitted, provided no portion of the building except for bay windows, dormers, balconies, chimneys, canopies, eaves, pilasters or ornamental projections shall extend beyond the building envelope as shown on APPENDIX "C";

b) That notwithstanding Section 14, a multiple dwelling shall be permitted provided same is attached to any commercial use(s) permitted under the "CR" (Commercial-Residential) Districts (Section 15B(3)(b)) of Zoning By-law No. 6593;

c) That all residential uses shall be located completely and functionally separate from any commercial uses, and pedestrian access to the residential units shall be completely separate from pedestrian access to the commercial uses;

d) That a minimum of 698.0 m^2 (7,520 sq.ft.) of landscaped area shall be provided and maintained either at or above grade, or any combination thereof;

ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-4 be notated S- ;

iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-4 for presentation to City Council;

iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;

v) That the Beasley Neighbourhood Plan be amended by redesignating the subject lands from "COMMERCIAL" to "COMMERCIAL and APARTMENTS".

3. That By-law 79-275, as amended by By-law 87-223, establishing Site Plan Control, be amended by adding the lands shown on the attached map marked as APPENDIX "A" to Schedule "A".

4. That the amending By-law not be forwarded for passage by City Council until:

i) the applicant has applied for and received approval of a Site Plan registered on title; and,

ii) the applicant has applied for and received approval for demolition under the Rental Housing Protection Act.

EXPLANATORY NOTE

The purpose of the By-law is to provide for a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations, applicable to the lands located at Nos. 260-280 King Street East, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the development of the subject lands for a mixed commercial/residential building having approximately 1,360.0 m^2 (14,640 sq.ft.) of ground floor retail commercial space, and 127 dwelling units (apartments).

In addition, the By-law provides for the following variances as special requirements:

- That no portion of the building, except for bay windows, dormers, balconies, chimneys, canopies, eaves, pilasters or ornamental projections shall extend beyond the "Building Envelope" as shown on APPENDIX "C";

- that only the commercial uses as set out under the "CR" (Commercial- Residential) Districts shall be permitted in conjunction with residential uses;

- that all residential uses shall be located completely and functionally separate from any commercial use, and pedestrian access to the residential units shall be completely separate from pedestrian access to the commercial uses;

- that a minimum landscaped area of 698.0 m^2 (7,520 sq.ft.) shall be provided and maintained either at or above grade, or any combination thereof.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Proposal

  It is the applicants intention to redevelop the site with a 12 storey mixed commercial/residential building. The proposed building will have a total ground floor retail commercial area of 1,360.05 m^2 (14,640 sq.ft.), 5 levels of parking within the structure accommodating a total of 134 cars, and 9 floors of apartments (127 units).

- Rental Housing Protection Act

  On the basis of information available, the buildings in question contain a total of 17 apartment units, which according to the applicant, are vacant. Under the provisions of the Act, vacant units are not exempt. Council approval is required in order to convert, demolish, renovate, sever into individual ownership or otherwise change the use of rental housing. In this regard, the applicant submitted an application under the Act (DE-90-001) on March 13, 1990 to permit the demolition of the building containing the rental residential units. This item will be considered at the October 3, 1990 meeting of the Planning and Development Committee.

- Demolition Permit Applications

  On February 16, 1990 the applicant applied for demolition permits for the buildings located on the subject lands. On March 7, 1990 the demolition permit application was considered by the Planning and Development Committee at which time it was decided that no demolition permit be issued for the properties until such time as the owner obtains a building permit.

- Local Architectural Conservation Advisory Committee

  The buildings municipally known as Nos. 260 to 280 King Street East are contained on the list of buildings considered to be of architectural interest to LACAC.

APPLICANT

Agomen Group 1 Ltd., owner.

LOT SIZE AND AREA

An irregular shaped parcel of land having:

- 50.77 m (166.59 ft.) of lot frontage on King Street East;
- 45.72 m (150.0 ft.) average lot depth; and,
- 2,113.94 m^2 (22,755 sq. ft.) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	six retail stores on the ground floor (most vacant) with 17 apartment units (vacant) on the upper floors	"H" (Community Shopping and Commercial, etc.) District

Surrounding Lands

to the north	mixed use development - retail commercial on the ground floor with apartments on the upper floors	"H" (Community Shopping and Commercial, etc.) District
to the south	commercial uses	"H" (Community Shopping and Commercial, etc.) District
to the east	commercial	"H" (Community Shopping and Commercial, etc.) District
to the west	vacant site and commercial	"H" (Community Shopping and Commercial, etc.) District

OFFICIAL PLAN

Designated "CENTRAL POLICY AREA" on Schedule "A" - Land Use Concept Plan, and located within SPECIAL POLICY AREA 3 on Schedule "B" Special Policy Areas of the Official Plan. The following policies, among others, would apply:

"A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A" will be for the following uses:

i) Commercial Uses such as, but not limited to, retail department stores; food, specialty and general merchandising establishments; personal services; head and branch offices; hotels; mixed commercial and residential uses; and in keeping with the commercial policies set out in Subsection A.2.2 of this Plan;

ii) Residential Uses of various types, including, but not limited to, single-family detached, semi-detached, row and apartment housing, and in keeping with the Residential policies set out primarily in Subsection A.2.9.3 as well as in Subsections A.2.1 and C.7.

A.2.8.1 The location of uses permitted within the CENTRAL POLICY AREA will be identified and detailed through the preparation of a Neighbourhood Plan.

A.2.8.3 To strengthen the role of the CENTRAL POLICY AREA as the primary commercial centre in the Region, it is intended that:

iii) Major new retail and office uses will be promoted along King Street East in the vicinity of Catherine, Ferguson and Wellington Streets to create identifiable and varied commercial concentrations;"

Further, the following COMMERCIAL policies apply:

"A.2.2.29 Any structure containing both residences and COMMERCIAL Uses, including offices primarily intended to offer goods and services to persons other than the residential occupants thereof, will be deemed to be mixed COMMERCIAL/RESIDENTIAL.

Such uses may be permitted in areas designated COMMERCIAL provided that they have been identified in the Neighbourhood Plan and satisfy the following provisions:

i) Amenity spaces will be provided exclusively for the residential component and will be functionally separated from public areas associated with the COMMERCIAL component;

ii) Prior to any approval for proposed COMMERCIAL/RESIDENTIAL development, Council will be satisfied that any impacts emanating from the COMMERCIAL component which will detract from the amenity of the associated RESIDENTIAL USES will be minimized;

iii) Customer parking areas associated with the COMMERCIAL component will preferably be physically separated from such areas provided for the Residential Uses and, in any instance, their use will not interfere with the safe and efficient use of Residential parking areas; and,

iv) Council will be satisfied that existing engineering services, school facilities, parks and similar community facilities are, or may feasibly be made to be, adequate to serve the residents of proposed COMMERCIAL/RESIDENTIAL development prior to any approval being given.

A.2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the residential policies of Subsections A.2.1 and C.7, and Policy A.2.8 1 (ii);

ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families and senior citizens will be particularly encouraged;

v) It is intended that residential development or redevelopment be at a scale, density and bulk compatible with the established character of the surrounding uses;

vi) Council will require, when considering a proposed high-density residential development or redevelopment in this AREA, the provision of the maximum useable open space on-site.

vii) Council will encourage high-density residential developments or redevelopments which utilize innovative design alternatives to the "highrise" apartment structure, while maintaining desirable standards for bulk, setbacks and landscaping;

viii) Council will encourage mixed commercial/residential developments or redevelopments within the Central Policy Area and Commercial areas of SPECIAL POLICY AREA 33, subject to the General Provisions of Subsection A.2.2."

The development contravenes the intent of the Plan, in that the scale, density and bulk would be incompatible with the established character of the surrounding area. However, if approved, an amendment would not be required.

NEIGHBOURHOOD PLAN

Designated "COMMERCIAL" on the approved Beasley Neighbourhood Plan, the proposal does not comply. Approval of the application would require redesignation to "COMMERCIAL and APARTMENTS".

COMMENTS RECEIVED

- The Building Department has advised that:

  "I have reviewed a proposed 12 storey residential and commercial development with 5 levels of above ground parking. The building is in a "H" commercial zone and would require the following major variances:

  1. the use of 127 residential units is not allowed.

  2. maximum height of building allowed is 8 stories shown is 12 stories.

  3. maximum height allowed in feet is 85.30; shown is 110'-0".

  4. the allowable G.F.A. is approximately 91,000 sq.ft., shown is 143,692 sq.ft.

  5. to provide 1 large loading space instead of the required 2 large and 1 small space (note - the size indicated on the plan is wrong).

  6. development does not comply with Sections 14(1)(iiia)."

- The Traffic Department has advised that:

  "We support the concept of a mixed commercial/residential development within the downtown area.

  We strongly recommend that this development be placed under site plan control to ensure that traffic aspects such as parking, loading and manoeuvring are properly addressed.

We have the following comments with respect to the plans submitted along with the zoning application.

It is our understanding that the by-law requires three 18.0 m x 3.7 m loading spaces and one 9.0 m x 3.7 m loading space. We cannot support the location of the loading area shown on the plan in that it would require vehicles to back in or out directly from King Street. These movements would also be done relatively blindly because of the building location. However, we would recommend providing a loading bay in front of the building to accommodate such movement and if correctly designed, would support variances to the above requirements.

Drivers will have difficulty when entering or exiting the parking spaces due to the location of the support columns. We suggest setting the columns back from the end of these stalls to address this problem."

- The Hamilton-Wentworth Regional Police Department has advised that:

"The Hamilton-Wentworth Regional Police is not opposed to the above noted rezoning application.

If the subject properties require site plan approval, the force would appreciate the opportunity to make site specific recommendations."

- The Hamilton-Wentworth Engineering Department has advised that:

"there are municipal watermains and separate storm and sanitary sewers available to service the subject lands.

The designated road allowance width of King Street by present Regional Council Policy is 26.21 m. In accordance with this designation, Survey Plan P823A was prepared outlining lands requested for road widening purposes. According to that plan, approximately a 4.90 m road widening is required.

We have met with the applicant/owner and have advised that the 26.21 m designation is under review and that this section of King Street could be reduced to 20.12 m. The existing road allowance width of King Street is 18.29 m and therefore a 0.914 m road widening was required to establish a standard four (4) lane cross section on King Street with minimum 3.048 m area for utilities and the municipal sidewalk. This widening is based on the scenario that a layby will not be constructed on King Street as part of this development construction. Under this scenario we also require that the applicant provide a 1.50 m sidewalk on private property immediately abutting and adjacent to the King Street road allowance, as widened, and this sidewalk is to be constructed at the same elevation as the adjacent municipal walk and must be kept clear of any obstructions to pedestrian traffic. This would then require that the applicant/owner provide adequate loading and manoeuvring on-site. In summary, the first floor must be setback a minimum of 2.44 m from the existing property line without the construction of a layby within the road allowance and the site plans submitted by the applicant and the zoning approval must be amended to reflect these requirements and the required loading and parking on-site with adequate sight triangles provided at the entrance/exit of the parking garage onto King Street.

Comments from the Traffic Department on this must also be considered with a scenario which includes the construction of a layby on King Street, we will require the dedication of 3.962 m around the layby construction and a widening dedication of 0.914 m outside of areas required for the layby construction. The amount of land to be dedicated to the Region is dependant on the length of the layby constructed.

With the layby construction, we still require that the building be set back 1.50 m from the widened street line at ground level and that a 1.50 m sidewalk be constructed on private property immediately abutting and adjacent to the King Street road allowance, as widened and this sidewalk is to be kept clear of any obstructions to pedestrians and is to be constructed at the same elevation as the adjacent municipal walk. The layby construction also requires a paving agreement with the Region of Hamilton-Wentworth. The site plans and the zoning amendment etc. must be revised to reflect our requirements and provide for adequate loading and manoeuvring with adequate sight triangles at the entrance to King Street.

We understand that the City of Hamilton Traffic Department will be commenting on-site manoeuvring, aisle widths access widths, loading etc.

The walls on the first floor at each end of the building are also to be open-ended and set back 1.50 m from the widened street line and dependant on the final access location and design, further modifications to the building may be required to provide for sight triangles within the accesses. (including visibility for property to the west). These details are to be noted now and resolved at the site plan stage.

The plans indicate that doors will swing into the King Street road allowance which is not permitted under the Regions Roads Use By-law.

We also advise at this time that the existing buildings are 2.60 m away from the curb and not 3.040 m as shown on the plan. The sidewalk is not 3.048 m."

- The Hamilton Region Conservation Authority and Go Transit have no comments or objections.

COMMENTS

1. The proposal conflicts with the intent of the Plan, in that the scale, density and bulk of development would be incompatible with the established character of the surrounding area. However, if approved, an amendment would not be required.

2. The proposal would require redesignation of the site from "COMMERCIAL" to "COMMERCIAL and APARTMENTS" on the approved Beasley Neighbourhood Plan.

3. The Building Department has identified the following as variances to the Zoning By-Law requirements:

- **Section 14.(1) (III)** to permit 127 residential apartment units within the proposed building, whereas only one or two dwelling units are permitted in the same building with a commercial use permitted in the district.

- **Section 14.(1) (IIIa)** to permit one dwelling unit for each 180.0 m^2 (1,937.50 sq.ft.) of area of the lot upon which the building does not exceed 2 stories in height and provided further that the gross floor area of the building used for dwelling units does not exceed the gross floor area used for commercial purposes. In this case, the gross floor area for residential far exceeds the gross floor area used for commercial, and the building is 12 stories as opposed to the maximum permitted 2 stories.

- **Section 14.(5)** to permit a floor area ratio of 6.31 x lot area (143,692 sq.ft.), whereas the By-Law permits only 4 x lot area (approx. 91,000 sq.ft.) maximum.

- **Section 14.2 (I) and (II)** the maximum building height permitted is 8 stories or 85.30 ft., whereas the maximum building height shows is 12 stories or 110.0 ft.

- **Section 18A Tables 4 and 5** to require a minimum of 2 large loading spaces and 1 small loading space for the proposed mixed use development, whereas only 1 substandard large loading space is to be provided.

4. The following is a summary of the positive and negative aspects of the proposed development:

Positive Aspects

- it is suitably located in proximity to the Central Business District, public transit, cultural, social and shopping facilities, etc.;

- it would provide for an alternative residential opportunity in the Central Area;

- it would act as a catalyst in encouraging future redevelopment in this area of King Street East.

Negative Aspects

- The bulk scale and density of development would be incompatible and out of character with established development in this area which is predominantly comprised of 3 to 4 storey mixed commercial/residential buildings. The current "H" District zoning permits a maximum building height of 8 stories or 85.30 ft., while the proposed development is for 12 stories or 110.0 ft..

In this regard, approval of the application would result in King Street being completely overshadowed by the proposed building (see APPENDIX "B") for approximately 6 months of the year (i.e. September 21 - March 21).

However, if the building were restricted to the 8 storey maximum permitted under the established "H" District zoning, King Street would only be overshadowed for 4 months of the year (October 21 - February 21).

- It represents an over-intensification of land use, in that the gross floor area ratio factor of 6.31 or 13,348.99 m^2 (143,692 sq.ft.) is approximately 58% greater than what is presently permitted for a lot of this size under the established "H" District zoning, being 4.0 or 8,455.76 m^2 (91,020 sq.ft.).

  This translates into a density of 600 units/ha or 243 units/ac., not including the retail commercial component.

  By comparison, if the building were restricted to the 8 storey maximum as permitted under the established "H" District zoning, the gross floor area ratio (g.f.a.) would be reduced to approximately 4.08 x lot area which is consistent with the by-law standard (i.e. 4.0x).

  If the site were to be developed in accordance with the "E-3" (High Density Multiple Dwellings) District regulations the maximum gross floor area ratio permitted would be 1.972 x lot area, and under a "CR-2" or "CR-3" (Commercial-Residential) District the maximum gross floor area ratio permitted for the residential component would also be 1.972. These g.f.a. ratio factors are indicative of the highest density residential zoning for a lot of this size in the Zoning By-law.

- The Traffic Department has advised that they:

  "...cannot support the location of the loading area shown on the plan in that it would require vehicles to back in or out directly from King Street. These movements would also be done relatively blindly because of the building location. However, we would recommend providing a loading bay in front of the building to accommodate such movement and if correctly designed, would support variances to the above requirements."

  These concerns were discussed with the applicant and his architect, however, he is not agreeable to providing a layby on King Street due to potential site constraints arising from required dedications as identified by the Engineering Department. Furthermore, the applicant has advised that they will not be submitting a revised plan to accommodate the concerns of the Traffic Department.

  In this regard, approval of the application would be contrary to sound Traffic Planning principles, in that the proposed loading arrangement would interfere with the efficient and safe movement of traffic along this portion of King Street East.

- Approval of the application would result in the demolition of listed buildings considered to be of architectural interest to LACAC.

5. Although the Department supports the concept of providing residential opportunities in the Central Area, the proposal as submitted cannot be supported for the above noted reasons, especially the traffic concerns.

However, consideration could be given to an amended application on the following basis:

- Gross Floor Area & Height

  That the maximum gross floor area ratio be restricted to 4.0 x lot area, and the building height be restricted to a maximum of 8 stories, as per the "H" District regulations. In addition, any portion of the building over 4 stories in height should be setback a minimum of 8.23 m (27.0 ft.) from the front lot line, thereby maintaining the established character of King Street.

  Alternatively, a maximum building envelope could be established based on the "Sun Angle" as shown on APPENDIX "C". In this regard, shadow casting on King Street would be limited while providing for greater flexibility in building height, gross floor area and building design.

- Landscaping

  A minimum of 33% of the lot area should be provided and maintained as landscaped area either at or above grade, as proposed by the applicant.

- Residential/Commercial Separation

  All residential uses should be located completely and functionally separate from any commercial use, and pedestrian access to the residential units should be completely separate from pedestrian access to the commercial uses.

- Commercial Uses

  Only commercial uses as permitted in the "CR" Districts should be permitted, thereby avoiding incompatability between certain uses permitted as-or-right under in the "H" District (e.g. an automobile service station, second hand goods shop, commission drying plant, pawnbroker's shop, pet shop, open air market, auctioneer's premises, bookbinder's or carpenter's shop, public garage, painter's shop, animal hospital, kennel, frosted food locker plant, etc.).

- Site Plan Control

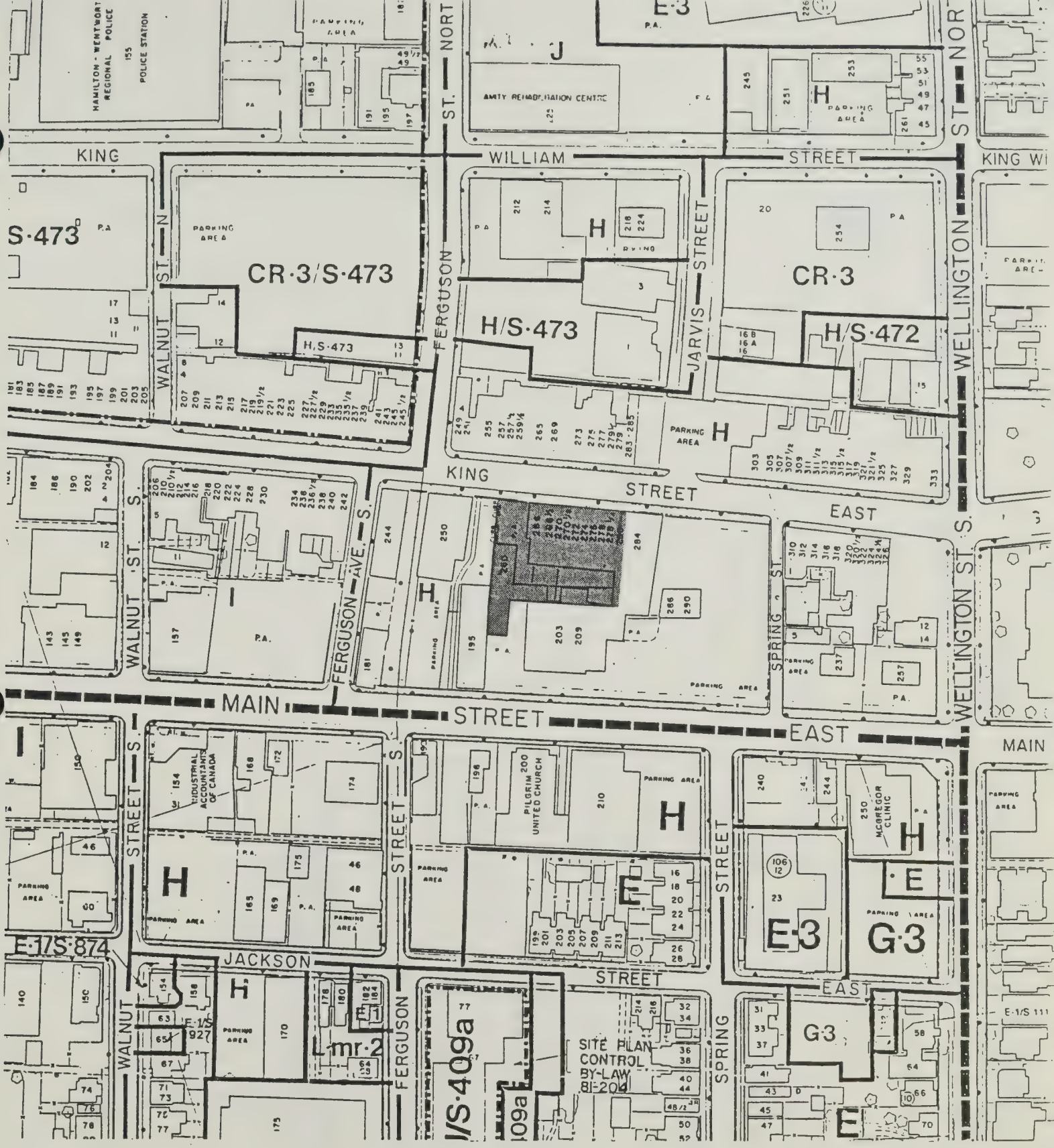
  Under the established "H" District the subject lands are not subject to Site Plan Control. Given the concerns of the Traffic and Engineering Departments, and the intent to restrict the bulk, form and density of development, it would be appropriate to place the lands under Site Plan Control and to require the registration of an approved Site Plan on title prior to the passing of an amending by-law. In this regard, the plans could be reviewed for

compatibility with the established character of King Street (i.e. architecture, height, etc.) and matters such as road widening, parking, loading, landscaping, etc. Furthermore, any additional variances identified at the Site Plan Control stage (e.g. loading space) could be incorporated into the amending By-law.

CONCLUSION

On the basis of the foregoing, the application as submitted cannot be supported. However, consideration could be given to an amended application inkeeping with the foregoing comments.

GAW/ma
WPZA9006

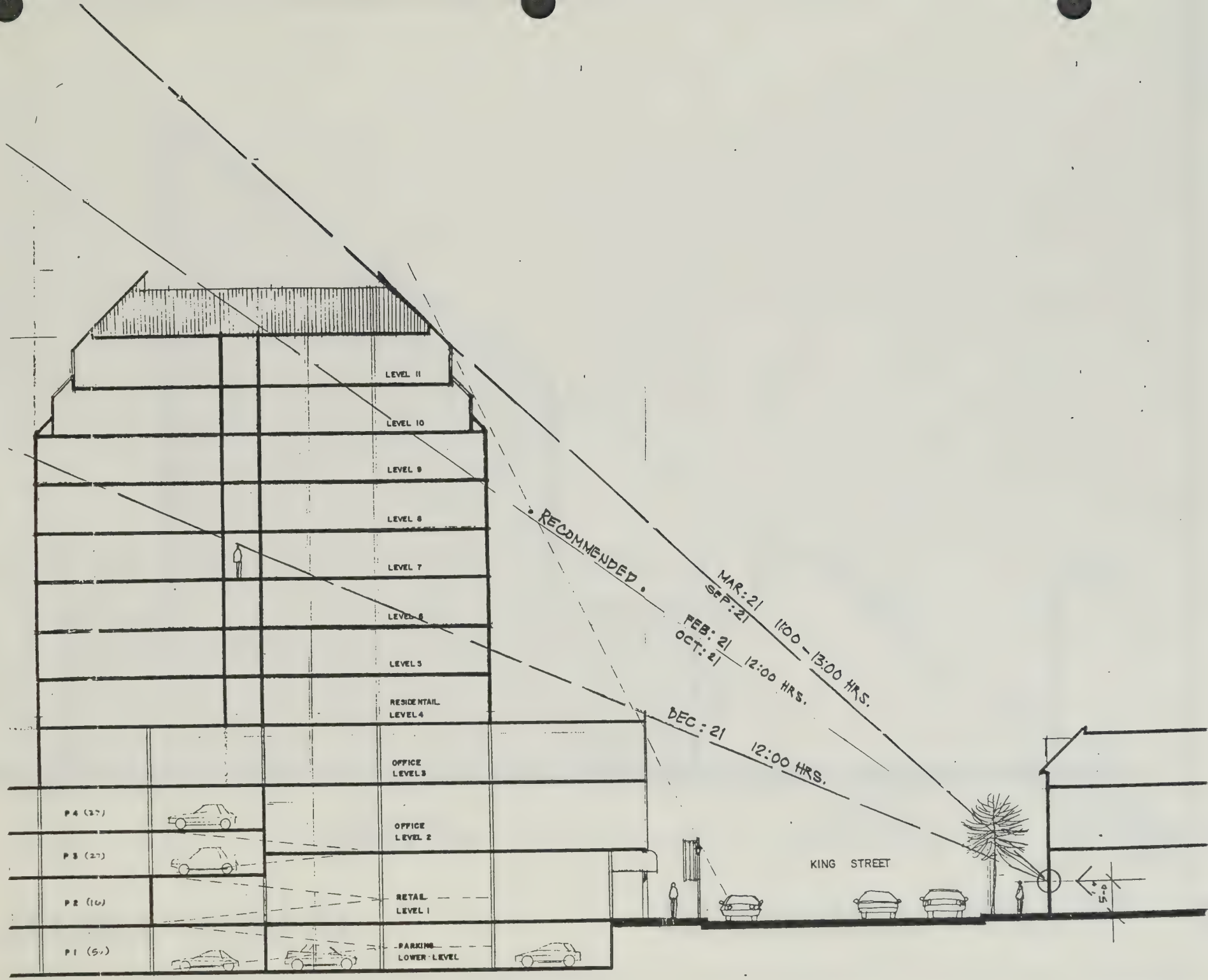


LEGEND

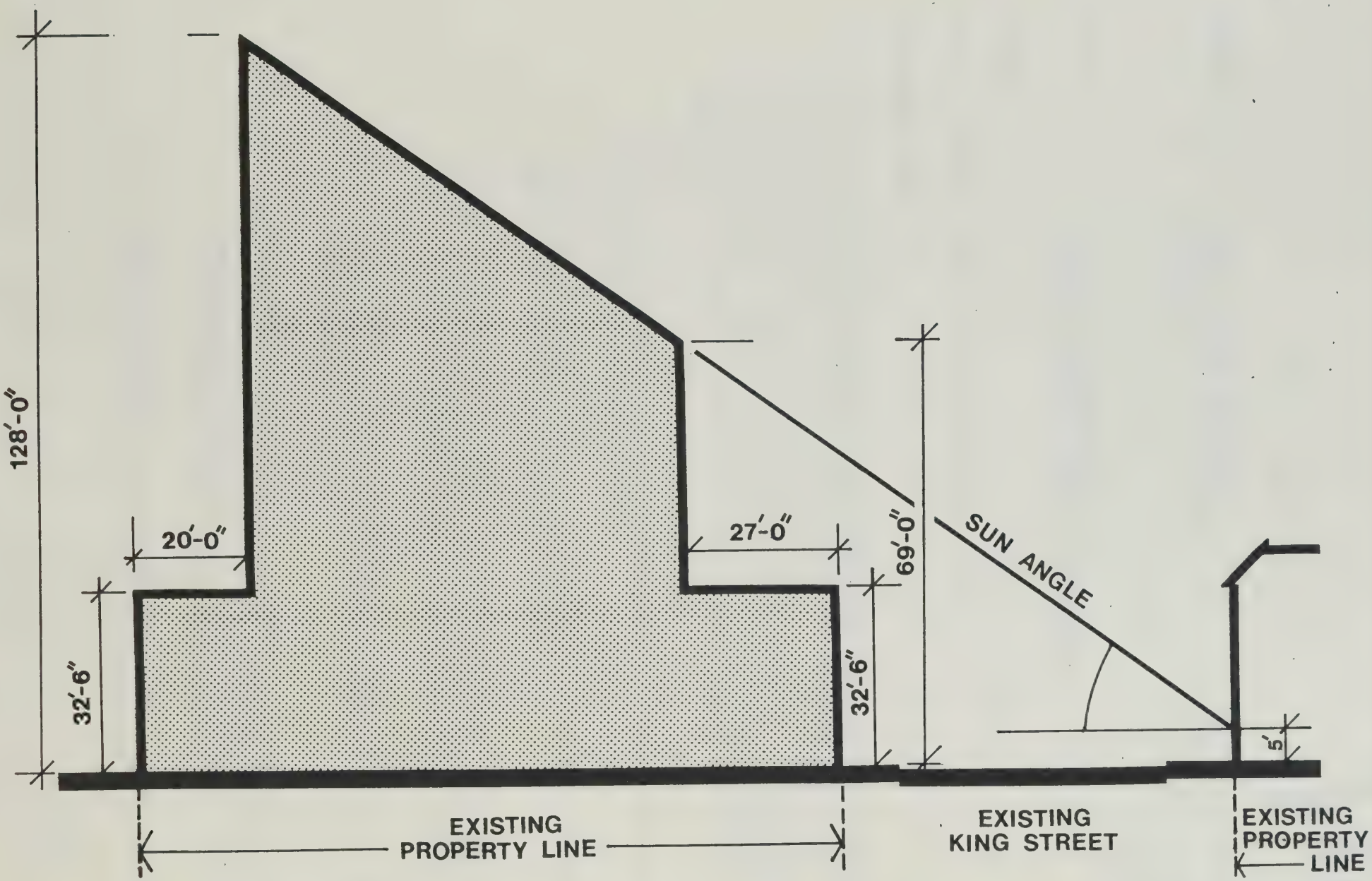
SITE OF THE APPLICATION

ZA 90-06

APPENDIX A


LEVEL 11
LEVEL 10
LEVEL 9
LEVEL 8
LEVEL 7
LEVEL 6
LEVEL 5
RESIDENTAIL
LEVEL 4
OFFICE
LEVEL 3
OFFICE
LEVEL 2
RETAIL
LEVEL 1
PARKING
LOWER LEVEL
P4 (37)
P3 (27)
P2 (16)
P1 (51)
• RECOMMENDED •
MAR: 21
SEP: 21
1100 - 13:00 HRS.
FEB: 21
OCT: 21
12:00 HRS.
DEC: 21
12:00 HRS.
KING STREET

APPENDIX B



JARVIS SQUARE — BUILDING ENVELOPE

APPENDIX C

14.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: September 6, 1990
COMM.FILE:
DEPT.FILE: ZA-90-43
Ryckmans
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for changes in zoning - Nos. 69 and 75 Rymal Road East.

RECOMMENDATION

1. That approval be given to amended Zoning Application 90-43, 668550 Ontario Limited (A. Tuite and L. Centurami), owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1"), and from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District (Block "2"), to permit single-family development on Block "1" and commercial development on Block "2", for property located at Nos. 69 and 75 Rymal Road East, as shown on the attached map marked as APPENDIX "A", on the following basis:

   i) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

   ii) That the lands described as Block "2" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;

   iii) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the lands described as Block "2", be modified to include the following variances as special requirements:

      1. That a minimum 1.5 m wide planting strip, and a visual barrier not less than 1.2 m and not greater than 2.0 m in height, shall be provided and maintained along the easterly side property line;

      2. That Section 2 of By-law No. 86-273 be amended by deleting the words "of Block 2 and along the easterly lot lines of Blocks 2 and 3" in the last paragraph, and by adding the wording; "and along the northerly 53.40 m portion of the easterly lot line of Block 2", so that the revised paragraph reads as follows:

         "...shall be provided and maintained along the northerly lot line and along the northerly 53.40 m portion of the easterly lot line of Block 2".

iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-980a, and that the subject lands on Zoning District Map E-9D be notated S-980a;

v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council;

vi) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,

vii) That the Ryckmans Neighbourhood Plan be amended by redesignating Block "2" from "SINGLE and DOUBLE RESIDENTIAL" to "COMMERCIAL".

EXPLANATORY NOTE

The purpose of this By-law is to provide for changes in zoning for property located at Nos. 69 and 75 Rymal Road East, as shown on the attached map marked as APPENDIX "A" on the following basis:

Block "1" - Change from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

Block "2" - Change from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District.

The effect of the By-law is to permit single-family residential development on Block "1", and commercial development (office complex and auto sales) on Block "2".

In addition, the By-law provides for the following modification as a special requirement:

a) a minimum 1.5 m wide planting strip, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, to be provided and maintained along the easterly side property line of Block "2".

A.L. Georgieff, M.C.I.P.
Director of Local Planning

pp **J.D. Thoms, M.C.I.P.**
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- ZA-86-55 (By-law 86-273)

  In 1986 the owner of adjoining lands at Nos. 55 and 59 Rymal Road East requested a change in zoning from "AA" (Agricultural) District and "B" (Suburban Agriculture and Residential, etc.) District to "C" (Urban Protected Residential, etc.) District and "HH" (Restricted Community Shopping and Commercial, etc.) District.

  On August 13, 1986 The Planning and Development Committee considered and approved the application.

  On September 30, 1986, City Council passed By-law 86-273 which rezoned the Rymal Road East frontage to "HH" (Restricted Community Shopping and Commercial) District, modified to include a 1.5 m wide landscaped strip and a 1.2 to 2.0 m high visual barrier to be provided and maintained along the northerly lot line and the easterly lot lines.

- Proposal

  It is the applicants intention to "square off" the zoning of this property by establishing uniform "C" and "HH" zoning of the site, thereby permitting single-family development on Block "1" (APPENDIX "A"), and commercial development (strip mall including offices and auto sales) fronting onto Rymal Road East (Block 2 - APPENDIX "A").

APPLICANT

668550 Ontario Limited, (A. Tuite and L. Centurami), owners.

LOT SIZE AND AREA

Block "1"

- 22.86 m (75.0 ft.) of lot width;
- 43 m (141.07 ft.) of lot depth; and,
- 982.98 m^2 (10,581.0 sq.ft.) of lot area.

Block "2"

- 18.29 m (60.0 ft.) of lot frontage on Rymal Road East;
- 71.93 m (235.99 ft.) of lot depth; and,
- 1,315.6 m^2 (14,161.45 sq.ft.) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"AA" (Agricultural) District
Surrounding Lands		
to the north	vacant	"C" (Urban Protected Residential, etc.) District
to the south	single-family dwellings	"B" (Suburban Agriculture and Residential, etc.) District
to the east	single-family dwellings	"AA" (Agricultural) District
to the west	commercial	"HH" (Restricted Community Shopping and Commercial, etc.) District

OFFICIAL PLAN AND NEIGHBOURHOOD PLAN

The subject lands are located at the boundary between a "COMMERCIAL" and a "RESIDENTIAL" designation, on Schedule "A" the Land Use Concept Plan of the Official Plan. The following policy, among others, would apply:

"D.8.2 The boundaries between the classes of land use designated on Schedule "A" by patterned areas, as well as other boundaries indicated on Schedule "B" are only intended to be general and not to define the exact limits of any land use or policy. It is intended, therefore, that minor adjustments may be made in respect of these boundaries in the Zoning By-law without the necessity of further amending this Official Plan, so long as such By-laws conform to the general intent and purpose of this Plan."

In addition to the above, the following policies, among others, regarding "SPECIAL POLICY AREA 31" also apply:

"2.9.3.26 In keeping with the provisions of Subsection 2.2 - Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 31, (which includes 31a, 31b and 31c), and designated "Commercial" on Schedule "A" the following will apply:

i) The Upper James Street frontage is recognized as a highway-oriented Commercial area which will include a diversity of retail and service uses catering not only to the travelling public, but to the daily needs of the adjacent neighbourhoods.

iii) In accordance with Subsection D.2., the preparation of Neighbourhood Plans in this Area will consider the following:

a) the extent of Commercial, mixed Commercial/Residential uses, retail/warehouse uses and neighbourhood-based retail and service uses".

The subject lands are designated "SINGLE and DOUBLE RESIDENTIAL" on the approved Ryckmans Neighbourhood Plan.

Upon redesignation of Block "2" to "COMMERCIAL" in the Ryckmans Neighbourhood Plan, the proposal will comply with the intent of the Official Plan.

COMMENTS RECEIVED

- The Building Department has advised that:

  "1. Based on the application, the covering letter should be revised to indicate a zone change from "AA" District to "C" District and "HH" District.

  2. If the subject lands are being used in conjunction with the property known as 55 and 59 Rymal Road East, By-law 86-273, Section 2 shall be revised so that a planting strip and visual barrier are not required along the easterly lot line of the lands known as 55 and 59 Rymal Road East. Also, special requirements may be required to be applicable to the northerly and easterly lot lines that are presently being rezoned."

- The Traffic Department has advised that:

  "The approved neighbourhood plan provides a clear delineation between the commercial and the residential components of this neighbourhood. Rymal Road was not intended to develop into a commercial strip (as is the case with Upper James Street) and as a result the commercial zoning must terminate at some point. While we can accept that there may be some justification with respect to site layout and adjacent land uses to including 69 Rymal Road within the commercial

designation, no such justification can be applied to the property at 75 Rymal Road. If 75 Rymal Road can be changed to commercial then why not the next adjacent property, and so on.

In summary, we would be prepared to agree to a zoning modification at 69 Rymal Road but not at 75 Rymal Road."

- The Hamilton Region Conservation Authority and the Hamilton-Wentworth Regional Police Department have no comments or objections.

- The Hamilton-Wentworth Engineering Department has advised that:

  "...public watermains are available to service the subject lands. There are no sanitary sewers available to service these lands.

  In the absence of any details shown, we advise that any work within the Rymal Road road allowance, as widened, must conform to the Region of Hamilton-Wentworth Road Use By-law.

  Detailed site plans have not been submitted for our review. However, we advise at this time that any roadway improvements required on Rymal Road as a result of this development will be at the expense of the applicant/owner and further comments will be submitted at the site plan stage.

  Comments from the Neighbourhood Planning Section should be considered to ensure that sufficient lands are rezoned to residential to provide for orderly development of the internal residential subdivisions. The proposed rezoning, if approved, will require modifications to the Ryckman Neighbourhood Plan and the cul-de-sac to the east will have to be shortened."

  In addition, the Engineering Department has verbally advised that sanitary sewers should be available to service these lands within the next year.

COMMENTS

1. The proposal does not comply with the intent of the Official Plan. However, it would comply if the Neighbourhood Plan was amended to redesignate Block "2" (APPENDIX "A") from "SINGLE and DOUBLE RESIDENTIAL" to "COMMERCIAL".

2. The proposal has merit and can be supported for the following reasons:

   - it would "square off" the applicants existing commercially zoned lands and allow for comprehensive development of the site;

   - it is situated on a major arterial road (Rymal Road East) where such commercial development is encouraged to locate.

3. The requested "HH" District applicable to Block "2" (APPENDIX "A"), should be modified to provide for a 1.5 m (3.94 foot) wide landscaped strip and a 1.2 m to 2.0 m high visual barrier to be provided and maintained along the easterly side property line to mitigate impacts on the adjoining residential development. This would be consistent with the landscaped strip required under the provisions of By-law 86-273, (i.e. 53.40 m portion of Block 2 on By-law 86-273).

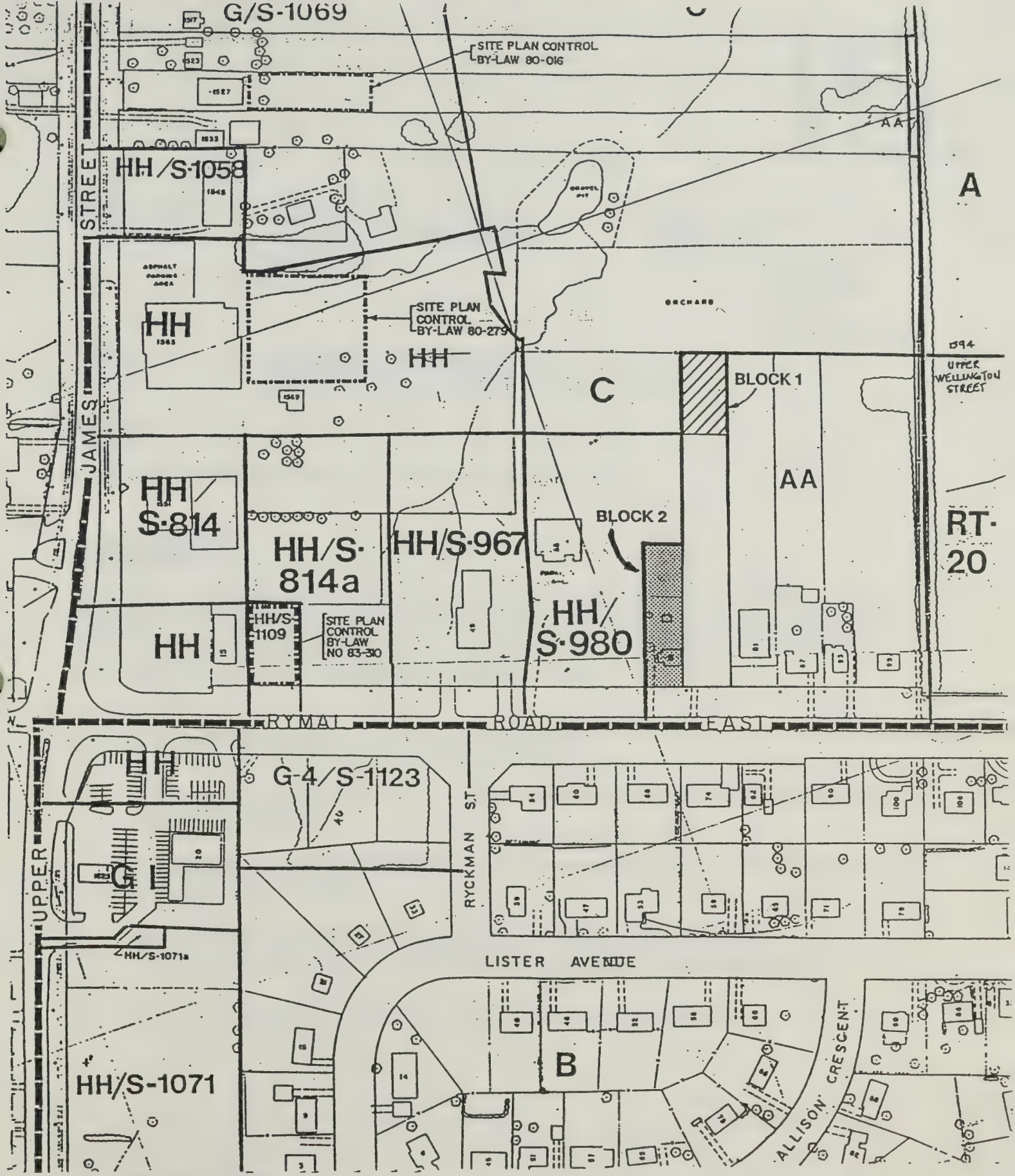
   As advised by the Building Department, it will also be necessary to include an amendment to the provisions of Sections 2(a) and (b) of By-law No. 86-273, to delete the requirement for a planting strip and visual barrier along the easterly lot line of the adjoining lands at No. 55 and 59 Rymal Road East, as this requirement would now apply to Block "2" of the subject lands (No. 69 Rymal Road East).

4. Development of the lands within the "HH" (Restricted Community Shopping and Commercial) District would be subject to the provisions of Site Plan Control By-law 79-275 as amended by By-law 87-223. Matters such as road widening, parking, loading, access, landscaping, fencing, grading, etc., will be further reviewed at the site plan stage of development.

CONCLUSION

On the basis of the foregoing, the amended application can be supported.

GAW/ma
WPZA9043



Legend

Proposed change in zoning from:

BLOCK 1 — "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District

BLOCK 2 — "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District.

ZA 90-43

APPENDIX A

15.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: August 30, 1990
COMM. FILE:
DEPT. FILE: ZA-90-50
Kirkendall
South
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for a modification in zoning - No. 1 Mount Royal Avenue.

RECOMMENDATION

That Zoning Application 90-50, Christine Spera-Fazackerly, owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to legalize the existing three-family dwelling, for property located at No. 1 Mount Royal Avenue, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:

i) it does not comply with the intent of the Official Plan;

ii) it would be an undesirable intrusion of a three-family dwelling into an area that is predominantly single-family dwellings;

iii) it is an overintensification of land use, in that only one parking space can be provided on-site whereas four are required;

iv) approval of the application would encourage other similar applications which, if approved, would undermine the intent of the By-law and alter the character of the neighbourhood; and,

v) it is premature pending the completion of the Housing Intensification Study.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

o Proposal

The property is currently an existing three-family dwelling. The applicant wishes to legalize the current use. She has advised that she can provide one parking space on site. The area of each unit is as follows: first floor - 85.8 m^2 (924 square feet); second floor - 65 m^2 (700 square feet); and, third floor - 69.3 m^2 (746 square feet).

o Zoning Verification

On August 2, 1988, the solicitor for the applicant requested a zoning verification certificate from the Building Department (see APPENDIX "B"). The certificate (APPENDIX "C"), which stated that the property was being used as a triplex, was returned to the solicitor for the applicant, on August 24, 1988, advising that the triplex was not a permitted use and that their records indicate a legal two family dwelling only.

o Order to Comply

On February 2, 1990, an Order to Comply was issued for the subject property (see APPENDIX "D"). The requirement is to comply with Section 9 of Zoning By-law No. 6593; namely, to reduce the occupancy to a two-family dwelling or legalize the existing triplex.

o Zoning Application 88-73 - 17 Fairmount Avenue

At its meeting of February 1, 1989, the Planning and Development Committee denied this application which was a request for a change in zoning from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to legalize the established three-family dwelling. City Council, at its meeting of February 14, 1989, adopted the recommendation of the Planning and Development Committee.

The applicants appealed Council's decision to the Ontario Municipal Board. The hearing was held and the Board upheld Council's decision to deny the application on the following basis:

"... the potential for precedent for changing the character of the area is too great. Further, the Board finds that to grant the appeal and permit a rezoning when there is no clear evidence that appropriate parking can be provided would be bad planning."

APPLICANT

Christine Spera-Fazackerly, owner.

LOT SIZE AND AREA

The subject property has:

- o 11.58 m (38 feet) of frontage on Mount Royal Avenue;
- o 25.56 m (83.87 feet) of lot depth; and,
- o 296.1 m^2 (3,187 square feet) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	three-family dwelling	"C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north	single-family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
to the south, west, and east	single-family dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN

Designated "RESIDENTIAL" on Schedule "A" - Land Use Concept, the following policies are applicable:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule 'A' as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

C.7.1 As far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

iv) Acquisition, removal or improvement to buildings or uses incompatible with a zoning district; and,

viii) Other similar actions or matters as Council may deem appropriate."

On the basis of the foregoing, the proposal does not comply with the intent of the Official Plan as it would contribute to an indiscriminate mix of density and, also, there is no provision for adequate parking. However, should the application be approved, an Official Plan Amendment would not be required.

NEIGHBOURHOOD PLAN

Designated "SINGLE AND DOUBLE RESIDENTIAL" on Schedule "A" - Land Use Concept, the proposal would not conflict with the intent of the approved Kirkendall Neighbourhood Plan.

COMMENTS RECEIVED

- The Hamilton Region Conservation Authority has no comment or objection.
- The Building Department has advised that:

  "1. A three family dwelling is **NOT** permitted.

  2. The dwelling was converted to a two family in accordance with the provisions of Section 19 of Zoning By-law 6593 under a permit issued in 1959."

- To date, the Traffic Department and the Hamilton-Wentworth Engineering Department have not submitted any comments.

COMMENTS

1. The proposal does not comply with the intent of the Official Plan. However, should the application be approved, an Official Plan Amendment would not be required.

2. The proposal does not conflict with the intent of the approved Kirkendall South Neighbourhood Plan.

3. The proposal cannot be supported for the following reasons:

   i) it does not comply with the intent of the Official Plan;

   ii) it would be an undesirable intrusion of a three-family dwelling into an area that is predominantly single-family dwellings;

   iii) it is an overintensification of land use, in that only one parking space can be provided on-site whereas four are required;

   iv) approval of the application would encourage other similar applications which, if approved, would undermine the intent of the By-law and alter the character of the neighbourhood; and,

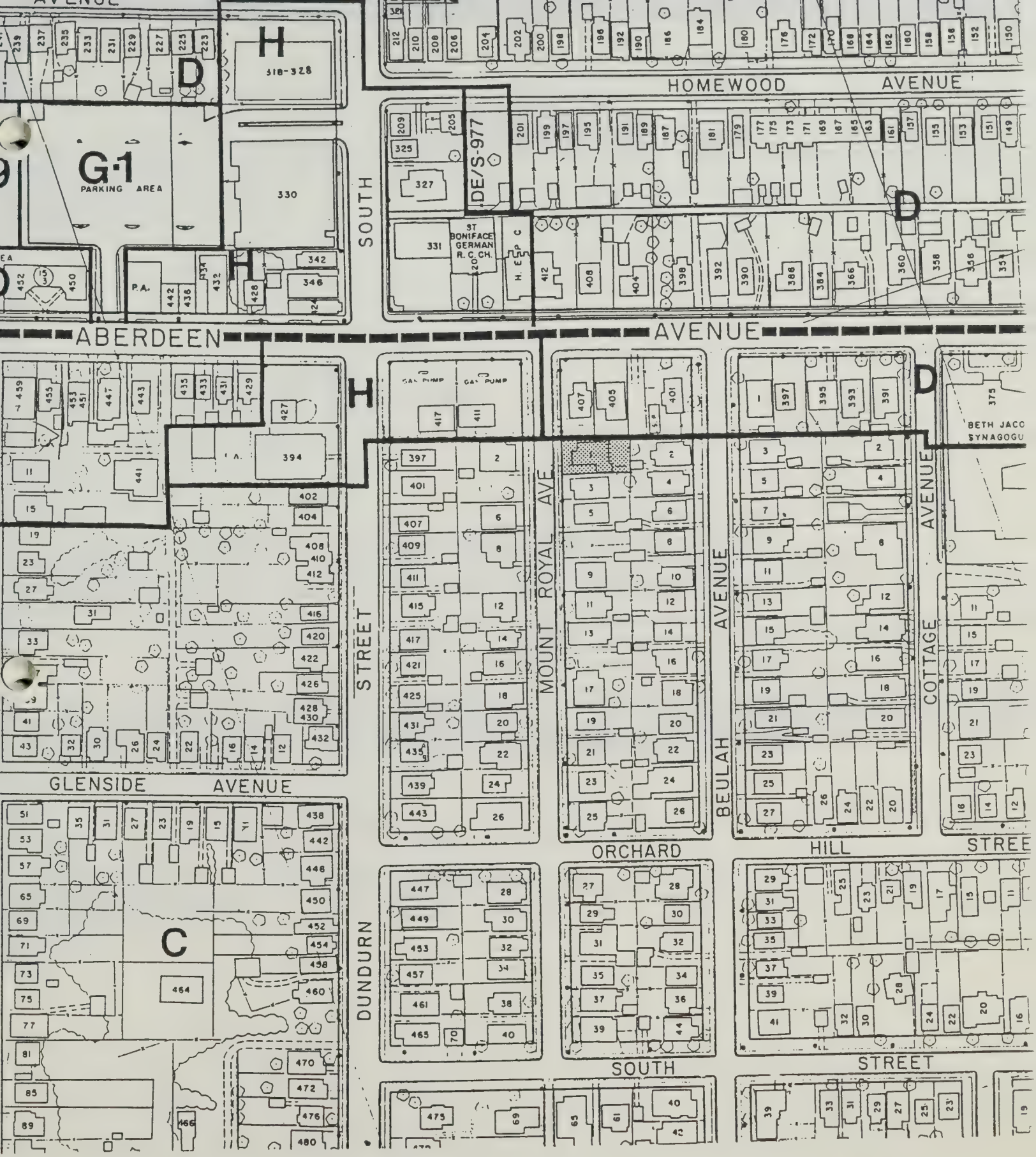
   v) it is premature pending the completion of the Housing Intensification Study.

4. The Building Department has advised that the building was converted to a duplex in accordance with Section 19 of the Zoning By-law in 1959. At the time of conversion, the (then) owner also owned the vacant property to the south, now known as No. 3 Mount Royal Avenue. The vacant lot was used to provide one of the two required parking spaces. When the house at No. 3 Mount Royal Avenue was constructed, one of the required parking spaces was lost. Consequently, the property no longer complies with the requirements for parking in that only one parking space is provided whereas two are required. The applicant should be advised that an application could be made to the Committee of Adjustment to address the required variance for reduction in required parking. Alternatively, the Planning and Development Committee could address the reduction in parking through an amended zoning application.

CONCLUSION

Based on the foregoing, the application cannot be supported.

MLT/ma
WPZA9050



LEGEND

SITE OF APPLICATION

ZA-90-50

APPENDIX A

WILLIAM T. SHORT
BARRISTER & SOLICITOR

760 Brant Street
Suite 7
Burlington, Ontario
L7R 4B7

(416) 632-1406

August 2, 1988

The City of Hamilton
Building and Zoning Department
71 Main Street
Hamilton, Ontario
L8P 1H4

Dear Sir:

RE: SPERA PURCHASE FROM BAXTER/MONTEMURRO
#1 Mount Royal Avenue, Hamilton, Ontario
Closing Date - August 15, 1988

I am the solicitor for the above noted individual who has purchased the above property. As such, I would appreciate having a zoning certificate showing that this property may continue use as a triplex.

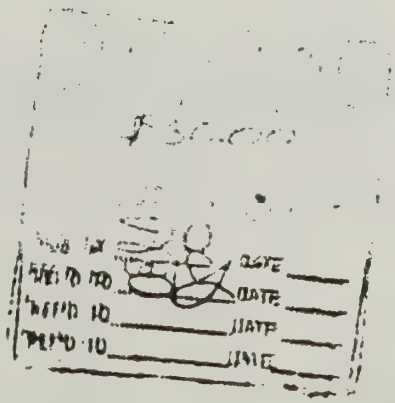
I have enclosed the completed zoning verification certificate form and my general cheque payable to your order in the amount of $30.00 to cover the cost of the certificate.

Yours truly,

William T. Short/per ck

William T. Short

WTS/ck
Encl.



APPENDIX B 4

ZV

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS
CITY HALL HAMILTON ONTARIO 526-2720

ZONING VERIFICATION CERTIFICATE

FOR 1 Mount Royal Ave. (MUNICIPAL NO.) Lot 45 Plan 407 (LOT NO) East (SIDE OF STREET)

BETWEEN At Aberdeen (STREET) AND (STREET)

OWNER Stephen Charles Baxter & Emmy Montemurro ADDRESS 1 Mount Royal Avenue

PROPOSED USE (BE SPECIFIC) Triplex

NUMBER OF DWELLING UNITS 3

PRESENT USE (BE SPECIFIC) Triplex NUMBER OF DWELLING UNITS 3

EXISTING BUILDING [X] SIGNATURE

PROPOSED BUILDING [ ] INFORMATION REQUESTED BY AND ADDRESS TO WHICH CERTIFICATE WILL BE RETURNED → NAME William T. Short

VACANT LAND [ ] ADDRESS 7 - 760 Brant Street

Burlington, Ontario, L7R 4B7

SURVEYS (2) YES [ ]

ATTACHED? NO [X] DATE August 2, 1988

NOTE: FOR BUILDING LOCATION EXAMINATION INCLUDE TWO (2) ORIGINAL SURVEY PLANS.

BELOW THIS LINE FOR BUILDING DEPARTMENT USE ONLY

FROM THE RECORDS ON FILE IN THE DEPARTMENT OF BUILDINGS ON THIS DATE, THIS PROPERTY IS LOCATED IN A C DISTRICT.

SEE SECTION 9 OF ZONING BYLAW 6593 AS AMENDED BY ~~XXXXXXX~~

AND COMMITTEE ADJUSTMENT No. DISTRICT MAP No. H-14

THE PROPOSED USE IS PERMITTED [ ] IS NOT PERMITTED [X] IS A LEGALLY ESTABLISHED NON CONFORMING USE [ ]

THIS PROPERTY IS SUBJECT TO SITE PLAN CONTROL BYLAW NO. 79-275. YES [ ] NO [x]

COMMENTS Our records indicate a legal two family dwelling only.

AUG 29 1988

IMPORTANT: — THIS IS A ZONING VERIFICATION ONLY.

THIS CERTIFICATE DOES NOT INDICATE THAT AN EXISTING BUILDING OR ITS USE CONFORMS WITH THE REQUIREMENTS OF APPLICABLE BYLAWS, AND REGULATIONS, NOR THAT A LICENCE WILL BE ISSUED IF REQUIRED, NOR THAT THE ZONING WILL NOT BE CHANGED AFTER THE DATE OF ISSUANCE. COPIES OF THE CITY BYLAWS MAY BE OBTAINED FORM THE CITY CLERK.

THIS CERTIFICATE IS ISSUED WITHOUT LIABILITY ON THE PART OF THE CITY OR ITS OFFICIALS.

ZV No. 44580

ZONING VERIFICATION CERTIFICATE ISSUED BY

Paul Kyte
ZONING COMMISSIONER

FEES 30.00

DATE Aug 24/88

FORM No. 268

FILE COPY

APPENDIX C

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

FILE NO:

ORDER TO COMPLY

ISSUED TO	LOCATION
Christine Spera	[illegible] Royal Avenue [illegible]
826 Queenston Road	HAMILTON, Ontario
Stoney Creek, Ontario	
L8G 4A8	

TAKE NOTICE THAT THE building AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S)/REGULATION(S)/BY-LAW(S) AS OUTLINED BELOW:

ITEM	REFERENCE	DESCRIPTION
	City of Hamilton Zoning By-Law 6593, as amended, Section 9, "C"	The building is being used as a three (3) family dwelling. REQUIREMENT TO COMPLY: Reduce occupancy to a two (2) family dwelling or legalize the present use.

Pursuant to the Residential Rent Regulation Act, 1986, a copy of this Order may be sent to the Residential Rental Standards Board in accordance with Section 15(1)(e).

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER/CONSTRUCTOR/OR PERSON APPARENTLY IN POSSESSION ARE HEREBY ORDERED TO COMPLY ~~FORTHWITH~~ WITHIN sixty (60) days

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT/REGULATION/BY-LAW

REGISTERED MAIL	Feb. 2/90	R. Bradshaw	Feb. 2/90
RECEIVED BY	DATE	INSPECTOR	DATE

PHONE DIRECT 526-2782
8 AM - 9 AM

FORM 49
SEE BUSINESS FORMS IN

APPENDIX D

15a.

CITY COUNCIL
HAMILTON, CANADA

Alderman Terry Cooke
Chairman – Engineering Services

71 MAIN STREET WEST L8N 3T4 • (416) 546-2730 • RES. (416) 521-1087 – WARD 1

ZA90-50.

September 5, 1990

The Corporation of the
City of Hamilton
City Clerk's Office

Att: S. Reeder, Secretary
Planning & Development Committee

RE: 1 Mt. Royal Ave., Hamilton

Dear Ms. Reeder:

I am writing to advise the Planning & Development Committee of my objections to the application to legalize the above-named property as a triplex.

This property lacks sufficient parking and has had a history of neglect as evidenced by order to comply that have been issued for the property.

Unfortunately, I will be out of town on the day of the hearing and am therefore unable to express my concerns in person. However, I am confident that there will be representation from the neighbourhood expressing the same sentiments.

Yours truly,

Terry Cooke

Terry Cooke
Alderman, Ward 1

:cad

Newsome and Gilbert, Limited, Toronto
Form 136

Canada
PROVINCE OF ONTARIO
REGIONAL MUNICIPALITY
OF HAMILTON-WENTWORTH

To Wit:

In the Matter of the Sale of the lands and premises known as Lot 45, Plan 407, in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, being 1 Mount Royal Avenue, to Stephen Barber and Jean Margaret Barber

15b.

I, WE, CESERINO GIACINTI and URSULA GIACINTI, both

of the City of Hamilton,

Regional Municipality of Hamilton-Wentworth

Do Solemnly Declare, that

1. That we are the absolute owners of the above-mentioned lands and either personally or by my tenants have been in actual, peaceable, continuous, exclusive, open, undisturbed and undisputed possession and occupation thereof, and of the houses and other buildings used in connection therewith since on or about the 1st day of November, 1960, when we obtained a conveyance thereof, as Instrument No. 144375 H.L.

2. That the said premises known municipally as 1 Mount Royal Avenue, in the City of Hamilton, have been used as a triplex for 20 years.

AND I make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Declared before ~~me~~ us at the City of Hamilton,

in the Regional Municipality

of Hamilton-Wentworth,

this 22nd day of April 19 82

C. Giacinti
CESERINO GIACINTI

Ursula Giacinti
URSULA GIACINTI

A Commissioner, etc.

USE OF PROPERTY AS TRIPLEX

Prior to closing, we endeavoured to obtain a certificate from the City of Hamilton indicating that this property could lawfully be used as a triplex. Although we have not yet received this document, we were informed that this property is indeed shown on the computer records maintained by the Corporation of the City of Hamilton as a triplex. We also have received a declaration from one of the previous owners as to its use. The certificate will be forwarded to you in due course and I have enclosed a photocopy of the declaration for your records.

It would appear that this property has been used as a triplex since before the coming into force of the present by-laws in 1950, and as such is what is called a legal non-conforming use. It should be noted, however, that if this building were destroyed by fire or were otherwise demolished, there is no guarantee that any replacement structure placed on this property would be able to be lawfully used as a triplex.

After payment of my account herein and all necessary disbursements, there is a balance owing to you which I have enclosed herein.

Please find enclosed my Trust Statement and Statement of Account for reference purposes only.

I thank you for giving me the opportunity of being of service to you. I trust you have found everything to your satisfaction, and if you should require anything further, please do not hesitate to contact me.

Yours truly,

William T. Short

WTS/ck
Encl.

ZV

THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS
CITY HALL HAMILTON ONTARIO 526-2720

ZONING VERIFICATION CERTIFICATE

FOR 1 Mount Royal Ave. (MUNICIPAL NO) Lot 45 Plan 407 (LOT NO.) East (SIDE OF STREET)

BETWEEN At Aberdeen (STREET) AND (STREET)

OWNER Stephen Charles Baxter & Emmy Montemurro ADDRESS 1 Mount Royal Avenue

PROPOSED USE (BE SPECIFIC) Triplex

NUMBER OF DWELLING UNITS 3

PRESENT USE (BE SPECIFIC) Triplex NUMBER OF DWELLING UNITS 3

EXISTING BUILDING [X] SIGNATURE

INFORMATION REQUESTED BY

PROPOSED BUILDING

NAME William T. Short

7 - 750 [illegible]

Burlington, Ontario [illegible]

YES

NUMBER NO. [illegible]

DATE August 2, 198[illegible]

NOTE: A BUILDING LOCATION EXAMINATION INCLUDES THE [illegible]

BELOW THIS LINE FOR BUILDING DEPARTMENT USE ONLY

AS PER THE RECORDS ON FILE IN THE DEPARTMENT OF BUILDINGS ON THIS DATE, THIS PROPERTY IS SUBJECT TO

SEE SECTION [illegible] OF ZONING BYLAW 6593 AS AMENDED BY [illegible]

AND COMMITTEE ADJUSTMENT No. [illegible] DISTRICT MAP No. W-14

THE PROPOSED USE IS PERMITTED [ ] / IS NOT PERMITTED [X] 2 IS A LEGALLY ESTABLISHED NON CONFORMING USE [ ]

THIS PROPERTY IS SUBJECT TO SITE PLAN CONTROL BYLAW NO. 79-275. YES [ ] NO [X]

COMMENTS Our records indicate a legal two family dwelling only.

AUG 29 1988

IMPORTANT: THIS IS A ZONING VERIFICATION ONLY.
THIS CERTIFICATE DOES NOT INDICATE THAT AN EXISTING BUILDING OR ITS USE CONFORMS WITH THE REQUIREMENTS OF APPLICABLE BYLAWS, AND REGULATIONS, NOR THAT A LICENCE WILL BE ISSUED IF REQUIRED, NOR THAT THE ZONING WILL NOT BE CHANGED AFTER THE DATE OF ISSUANCE. COPIES OF THE CITY BYLAWS MAY BE OBTAINED FORM THE CITY CLERK.

THIS CERTIFICATE IS ISSUED WITHOUT LIABILITY ON THE PART OF THE CITY OR ITS OFFICIALS.

ZV No. 44580

ZONING VERIFICATION CERTIFICATE ISSUED BY

[signature]
BUILDING COMMISSIONER

FEE $ 30.00

DATE Aug 24 1988

FORM No. 266

FILE COPY

Mr. Mrs.
E. THIENFELDT
26 Mount Royal

Sept 10, 1990

SEP 15c.

Dear Sir,

We are opposed to the proposed Zoning modification to the Property on 1 Mount Royal Avenue.

We the Residents in this area do not want absentie Owners in this District.

First the Property will be neglected. The parking facilities are not sufficient for the narrow Street.

Then if absentie Owners want to speculate on this kind of business, let them sell to respective Owners that want to live on the Property.

Yours very truly,

E. Thienfeldt

Astrid Thienfeldt

Mr. Mrs.

E. IHLENFELDT

26 Mount Royal

Sept 10, 1990

SEP 12 1990

Dear Sir,

We are opposed to the proposed Zoning modification to the Property on 1 Mount Royal Avenue.

We the Residents in this area do not want absentie Owners in this District.

First the Property will be neglected. The parking facilities are not sufficient for the narrow Street.

Then if absentie Owners want to speculate on this kind of business, let them sell to respective Owners that want to live on the Property.

Yours very truly,

E. Ihlenfeldt

Astrid Ihlenfeldt

MODIFICATION TO THE C DISTRICT REGULATIONS

Proposed Change in Zoning: .....

Property Description: 1 MOUNT ROYAL AVENUE

.....

I am ☐ in favour of ..... / ☑ opposed to ..... (Please check (V) which)

this proposed zone change

E. Ihlenfeldt
signed

SEP 12 1990

PLEASE COMPLETE:

Name. MR. MRS. IHLENFELDT

Address. 26 MOUNT ROYAL AVE.

HAMILTON, ONT.

Application No.: ZA90-50

16.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: September 7, 1990
COMM. FILE:
DEPT. FILE: ZA-90-52
Templemead
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a change in zoning - No. 1461 Upper Gage Avenue.

RECOMMENDATION:

That approval be given to an amended Zoning Application 90-52, Malatesta Brothers Construction, owners, requesting changes in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District (Block "1") and from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District (Block "2"), to permit the development of the subject lands for townhouses or maisonettes, for the property located at No. 1461 Upper Gage Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

i) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;

ii) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District;

iii) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special provisions:

a) That Section 10E(2)(a)3 shall not apply;

b) That a minimum 3.0 m wide planting strip shall be provided and maintained along the easterly lot line;

c) That a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the easterly lot line;

iv) That the City Solicitor be directed to prepare a By-law to amend By-law No. 6593 and Zoning District Maps E-49C and E-49D for presentation to City Council;

v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Maps E-49C and E-49D be notated S- ;

vi) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District modified (Block "1") and from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District modified (Block "2"), for the property located at No. 1461 Upper Gage Avenue, as shown on the attached map.

The effect of the by-law is to permit future development of the subject lands for townhouses or maisonettes. In addition, the by-law provides for the following variances as special provisions:

- no street townhouses will be permitted;
- a minimum 3.0 m (10 foot) wide planting strip shall be provided and maintained along the easterly lot line; and,
- a 1.2 m (4 foot) to 2.0 m (6.6 foot) high visual barrier shall be provided and maintained along the easterly lot line.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

pw **J.D. Thoms, M.C.I.P.**
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS:

N/A

APPLICANT:

Malatesta Brothers Construction, owners.

LOT SIZE AND AREA:

- 45.72 m (150 ft.) of lot frontage on Upper Gage Avenue;
- 85.95 m (282 ft.) of lot depth; and,
- 3,929.6 m^2 (42,300 sq. ft.) of lot area.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	vacant	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
Surrounding Lands		
to the north	townhouses	"RT-20" (Townhouse-Maisonette) District
to the south	townhouses	"RT-10" (Townhouse) District
to the east	single-family dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District
to the west	single-family dwellings	"C" (Urban Protected Residential, etc.) District and "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A". The proposal complies with the intent of the Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated for "Attached Housing" in the approved Templemead Neighbourhood Plan. The proposal complies with the Plan.

RESULTS OF CIRCULARIZATION:

- The following Department and agency have no comments or objections:

  - Building Department; and,
  - Hamilton Region Conservation Authority.

- The Traffic Department has advised that:

  "We have reviewed the above noted application and find it satisfactory on the condition no street townhousing be allowed."

- The Hamilton-Wentworth Engineering Department has advised that:

  "...public watermains and separate storm and sanitary sewers are available to service the subject lands.

  The designated road allowance width of Upper Gage Avenue is 36.58 m. In accordance with this designation, we recommend that as a condition of development approval that sufficient lands be dedicated to the Region to establish the property line 18.29 m from the centreline of the original Upper Gage Avenue road allowance. In the absence of any details shown, any works within the Upper Gage Avenue road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law.

  The Traffic Department is to comment on access."

COMMENTS:

1) The proposal complies with the intent of the Official Plan and the approved Templemead Neighbourhood Plan.

2) The proposal can be supported for the following reasons:

   i) it implements the approved designation in the Templemead Neighbourhood Plan;

ii) the requested change in zoning would be appropriate for the proposed development; and,

iii) the proposed change in zoning would be consistent with the existing development in the area which includes townhouses to the north and south.

3) Given the concerns of the Traffic Department, it would be appropriate to prohibit street townhouses.

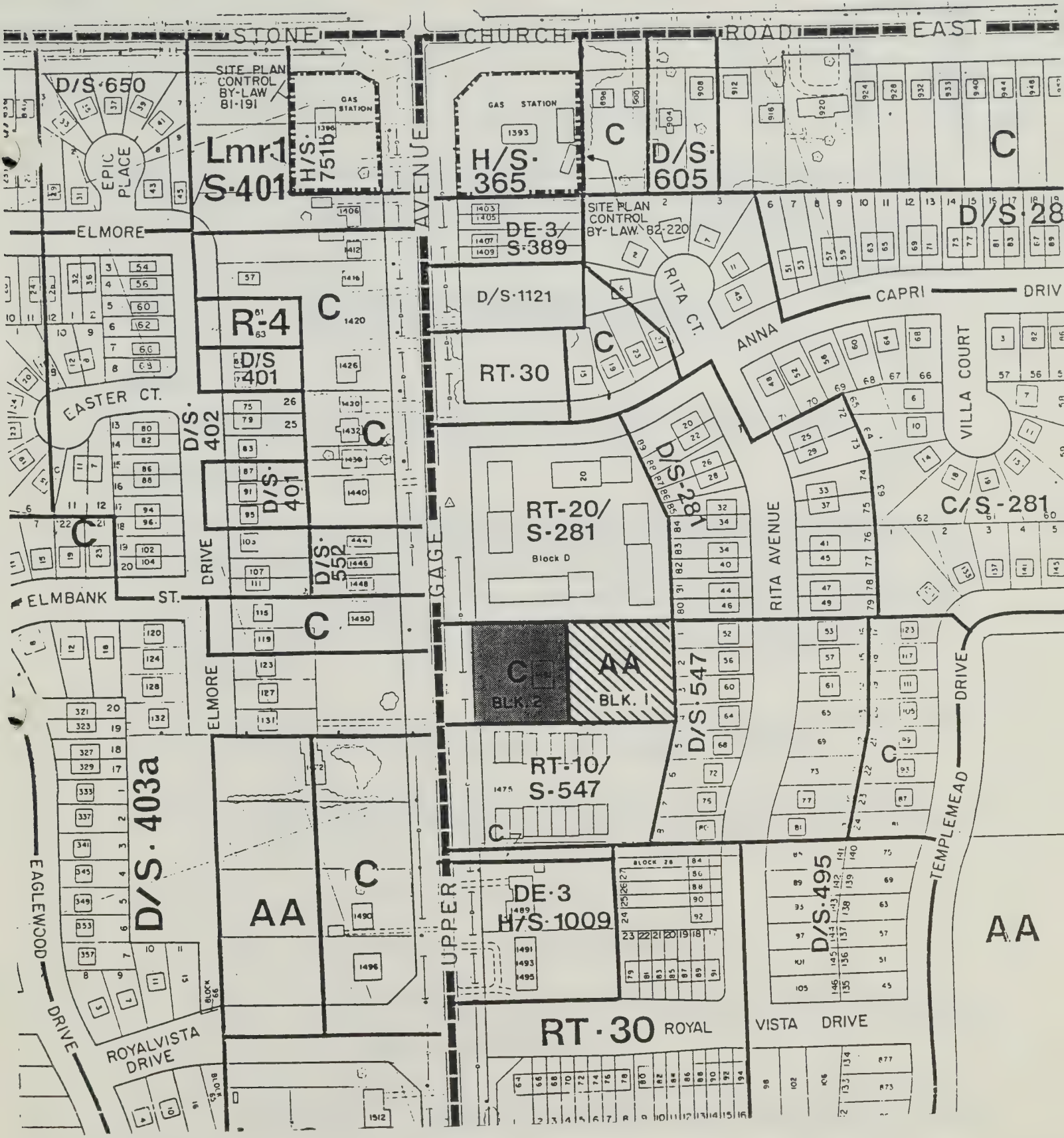
4) Since there are existing single-family dwellings to the east of the subject lands, it would be appropriate to require a planting strip of 3.0 m (10 feet) in width and a visual barrier of between 1.2 m (4 feet) and 2.0 m (6.6 feet) in height along the easterly lot line.

5) Under the "RT-20" District regulations, the lands are subject to Site Plan Control By-law 79-275,as amended by 87-223. Matters such as landscaping, parking, access, road widening, etc. will be dealt with during the site plan approval process.

CONCLUSION:

Based on the foregoing, an amended application to permit only townhouses or maisonettes can be supported.

JHE/ma
WPZA9052



Legend

Proposed change in zoning from:

BLOCK 1 — "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District.

BLOCK 2 — "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse - Maisonette) District.

ZA 90-52

APPENDIX A

17.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: September 11, 1990
COMM. FILE:
DEPT. FILE: ZA-90-49
Landsdale
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a change in zoning - Nos. 252, 256, 260, and 262 Victoria Avenue North.

RECOMMENDATION

1. That approval be given to amended Zoning Application 90-49, Mintland Developments Inc., owner, requesting a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" (Community Shopping and Commercial, etc.) District, to permit a two (2) storey building containing retail commercial uses on the ground floor and professional offices including dental and medical offices on the second floor, for property located at Nos. 252, 256, 260, and 262 Victoria Avenue North, as shown on the attached map marked as APPENDIX "A", on the following basis:

   i) That the subject lands be rezoned from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" (Community Shopping and Commercial, etc.) District.

   ii) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

      a) That Section 18(3)(ivc)(b) shall not apply;

      b) That Sections 18A(11) and (12)(a) shall not apply;

      c) That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the westerly lot line adjoining Victoria Avenue North, except for any area(s) used for vehicular access.

   iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-12 be notated S- .

   iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-12 for presentation to City Council.

v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

2. That By-law No. 79-275, as amended by By-law No. 87-233, establishing Site Plan Control be amended by adding the subject lands to Schedule "A".

EXPLANATORY NOTE

The purpose of the By-law is to provide for a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" (Community Shopping and Commercial, etc.) District for property located at Nos. 252, 256, 260, and 262 Victoria Avenue North, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit a two (2) storey building containing retail commercial uses on the ground floor and professional offices including dental and medical offices on the second floor.

In addition, the By-law provides for the following variances as special requirements:

- to exempt the development from the required 3.0 m wide planting strip along the southerly rear lot line adjoining a residential district (Section 18(3)(ivc)(b));

- to exempt the development from the requirement of a 1.5 m setback for a parking or loading space which adjoins a residential district boundary; the minimum front yard setback for a parking area within 3.0 m of a residential district; and the requirement of a landscaped planting strip between the parking area and the residential district (Section 18A(11) and (12)(a));

- to require a minimum 3.0 m wide landscaped planting strip to be provided and maintained along the westerly lot line adjoining Victoria Avenue North, except for any area(s) used for vehicular access.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

pp **J.D. Thoms, M.C.I.P.**
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Proposal

  It is the applicants intention to rezone property located at Nos. 252, 256, 260 and 262 Victoria Avenue North to a commercial zoning in order to permit the construction of a two (2) storey building containing retail commercial uses on the ground floor and professional offices including dental and medical offices on the second floor.

  The two existing dwellings located at No. 252 and 256 Victoria Avenue North are to be demolished to permit the proposed development. The site is to be developed comprehensively with the applicants adjoining lands to the north currently occupied by a gas bar, (see APPENDIX "B" attached).

- Demolition Permit Applications

  At its meeting of June 20, 1990, the Planning and Development Committee TABLED Demolition Permit Applications for 252 and 256 Victoria Avenue North, pending zoning approval on these lands.

APPLICANT

Mintland Developments Inc., owner.

LOT SIZE AND AREA

- 40.23 m (131.99 ft.) of lot frontage on Victoria Avenue North;
- 47.77 m (156.73 ft.) of lot depth; and,
- 1,921.78 m^2 (20,686.54 sq.ft.) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	two single-family dwellings and vacant lands	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District

Surrounding Lands

to the north	gas bar	"H" (Community Shopping and Commercial, etc.) District
to the south	parking garage for Royal Oak Dairy	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District, modified
to the east	municipal parking lot and two single-family dwellings	"G-3" (Public Parking Lots) District and "E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the west	commercial uses and single-family dwellings	"H" (Community Shopping and Commercial, etc.) District and "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District

OFFICIAL PLAN

Designated "COMMERCIAL" on Schedule "A" Land Use Concept Plan of the Official Plan and subject to, among others, the following policies:

"A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.

A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It includes:

i) "Ribbon" Commercial uses on smaller lots serving pedestrians in the vicinity, with some specialized commercial uses attracting automobile borne traffic from beyond the local area.

A.2.2.19 Development within EXTENDED COMMERCIAL areas will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of the non-commercial uses. Such development will only be permitted where traffic and/or parking problems will not be created and subject to the approval of the Region.

A.2.2.22 Council will endeavour to maintain or improve the visual amenity and general attractiveness of EXTENDED COMMERCIAL areas, and, in so doing, will:

iii) Regulate building setbacks to develop and maintain continuity and harmony with adjacent commercial uses;

iv) Consider the increase in building setbacks where substantial redevelopment is proposed, to permit wider sidewalks, appropriate landscaping and street furniture to encourage pedestrian movement and improve the shopping environment;

A.2.2.23 COMMERCIAL establishments or centres that are proposed adjacent to existing COMMERCIAL USES will be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.

A.2.2.35 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.

A.2.2.36 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices."

On the basis of the foregoing, the proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN

Designated "COMMERCIAL and APARTMENTS" on the approved Landsdale Neighbourhood Plan, the proposal does not fully comply. Approval of the application would require redesignation from "COMMERCIAL and APARTMENTS" to "COMMERCIAL".

COMMENTS RECEIVED

- The Building Department has advised that:

"The front yard is assumed to be Barton Street East with the rear yard on the south end of the property.

It is also assumed that the entire property will be zoned "H" with an "E" zone abutting on the south, and an alley abutting on the 33.528 m portion on the east side.

Requirements are:

1. A 3.0 m planting strip is required on the south lot line as per Section 18(3)(ivc)(b).

2. A visual barrier fence is required as per Section 18(3)(ivc)(c) on the south lot line.

3. The first floor commercial only requires 14 parking spaces with no medical offices included:

   The first and second floor combined commercial with no medical offices requires 26 parking spaces.

   The first floor commercial only with no medical offices and second floor medical offices would require 35 parking spaces.

   Therefore, the total parking for the site will be 14 cars or 35 cars depending on use of the building.

4. One (1) large loading space 3.7 m x 18.0 m is required."

On the basis of a revised concept plan (see APPENDIX "B"), the Building Department verbally confirmed that the proposal having retail commercial uses on the ground floor and medical offices on the second floor would require a minimum of 55 parking spaces and 1 large loading space, whereas 31 parking spaces and 1 small loading space are proposed.

- The Traffic Department has advised that:

"1. We recommend that the entire site be placed under site plan control to ensure that adequate parking, access and loading is supplied.

2. We recommend that the entire site be placed under a single title to ensure that the supplied parking always be tied to the proposed development.

3. There are no loading facilities shown on the plans. The Zoning By-law requires a loading space which we recommend be supplied. The addition of a loading space will require site modifications.

4. We suggest that the building be moved to the south property line or modified to align with the east property line so that all parking will be combined in the centre of the site and be accessible from both Victoria Avenue and Barton Street."

The Traffic Department reviewed a revised plan submitted by the applicant on August 31, 1990 and advised in part that:

> "...since the applicant is providing only 31 parking spaces it appears that he will have insufficient parking and loading for all the above usages. We would not support a variance to reduce parking.
>
> The applicant should also be advised that a driveway approach approval is required from the Traffic Department to permit the construction of the access driveways."

- The Hamilton-Wentworth Engineering Department has advised that:

"...public watermains and separate storm and sanitary sewers are available to service the subject lands.

In the absence of any details shown, we advise that any works within the Victoria Avenue road allowance or the public assumed alley must conform to the respective streets By-laws.

The Traffic Department is to comment on access design. We understand that a 3.0 m landscape strip will be required adjacent to Victoria Avenue and our comments are based on the fact that the buildings will be setback 3.0 m from the Victoria Avenue road allowance. We also advise that heavy landscaping such as trees etc. should be on private property only and that 5m x 5m daylight triangles are required between the access and the streetline in which the maximum height of objects etc. is not to exceed a height of 0.60 m above the centreline elevation of Victoria Avenue.

With respect to the alley, we require modifications to the east side of the structure to provide some setback or daylight triangle for motorists entering the alley.

The applicant should be advised of these concerns/requirements at this time and the details can be finalized at such time as site plans under site plan control are submitted to this office.

The applicant should be advised that according to our records, the alley to the rear of the subject lands is public assumed."

- The Local Architectural Conservation Advisory Committee Staff has advised that:

  "These buildings are not listed except for 262; but as I understand a demolition permit has already been granted for this building. (ZA-89-87, August 21, 1989). Therefore, we have no further comments."

- The Hamilton Region Conservation Authority and the Hamilton-Wentworth Regional Police Department have no comments or objections.

COMMENTS

1. The proposal complies with the intent of the Official Plan.

2. The proposal does not fully comply with the intent of the approved Landsdale Neighbourhood Plan which designates the lands for "COMMERCIAL and APARTMENTS". However, should the application be approved redesignation is not recommended in order to retain the preferred long term use of this block for mixed use development.

3. The proposal has merit and can be supported for the following reasons:

   i) it complies with the intent of the Official Plan;

   ii) it would implement, in part, the intent of the approved Landsdale Neighbourhood Plan by providing a commercial component;

   iii) the site is suitably located at the intersection of two major arterial roads (Barton Street East and Victoria Avenue North);

   iv) the proposed medical office component will provide accommodations for doctors and dentists, etc. who are on staff at the Hamilton General Hospital located on the opposite corner to the site, as well as providing a service to out patients and residents in this area;

   v) it would be compatible with established development in this area.

4. The Building Department has reviewed the preliminary site plan submitted and note the following variances:

   - Planting Strip and Visual Barrier

     A 3.0 m wide planting strip and a 1.2 m to 2.0 m high visual barrier is required where an Automobile Service Station or other Public Garage use is situated on a lot adjoining a residential district (Section 18(3)(ivc)(b) & (c)). In addition, the setback and

landscaped planting strip requirements of Section 18A(11) and (12)(a) of the By-law for parking and loading areas would also be applicable where a parking or loading area adjoins a residential district.

Regarding Section 18, as the existing gas bar forms part of the same site these requirements would apply to the southerly rear property line. As the adjoining property to the south is occupied by a storage garage for trucks owned by Royal Oak Dairy and is not used residentially, a variance to eliminate the 3.0 m wide planting strip can be supported. However, the required visual barrier should be provided and maintained. Regarding Section 18A, as the proposed parking and loading areas either adjoin the alleyway or are next to the above noted storage garage, variances regarding the required landscaped areas and front yard setback for a parking area within 3.0 m of a residential district are minor in nature and can be supported.

- Parking and Loading

  On the basis of retail commercial uses on the ground floor and medical offices on the second floor a minimum of 55 parking spaces and 1 large loading space are required, whereas 31 parking spaces and 1 small loading space are proposed.

  The Traffic Department has advised that they would not support a variance to reduce parking. In this regard, the applicant's agent has advised that they will comply with By-law regulations (e.g. parking and loading).

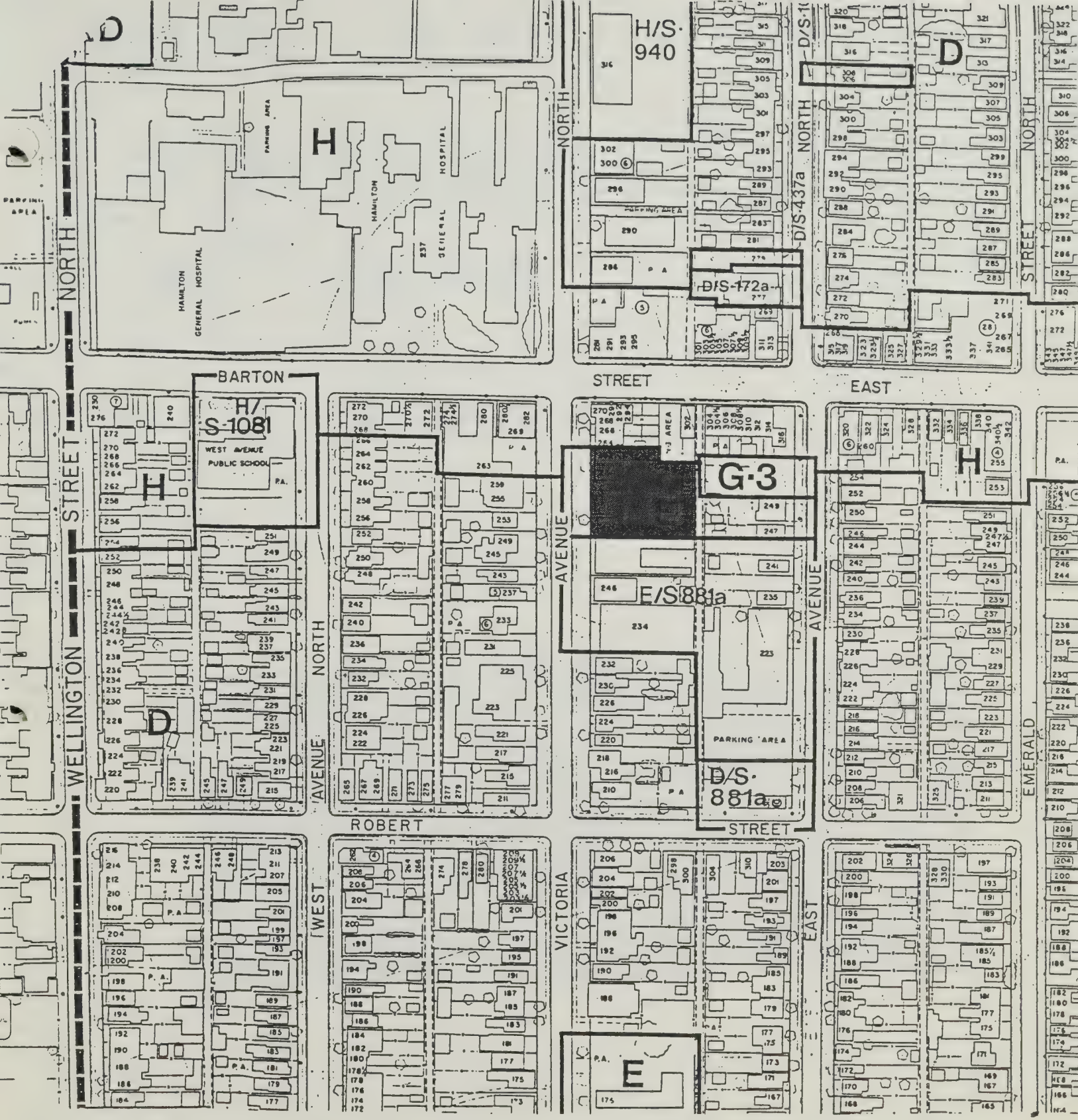
5. The requested "H" (Community Shopping and Commercial, etc.) District would be the appropriate zoning district for the proposed use. However, in order to maintain and enhance the streetscape, it would be appropriate to require a minimum 3.0 m wide landscaped planting strip to be provided and maintained between the westerly side of the proposed building and the Victoria Avenue North road allowance, except for any area(s) used for vehicular access.

6. Lands within the "H" (Community Shopping and Commercial, etc.) District are not subject to site plan control. Accordingly, it would be appropriate to amend the Site Plan Control By-law by adding the subject lands to Schedule "A". In this regard, matters related to landscaping, fencing, grading, parking, loading, access, etc. can be further reviewed at the site plan control stage of development.

CONCLUSION

On the basis of the foregoing, the application can be supported.

GAW/ma
WPZA9049

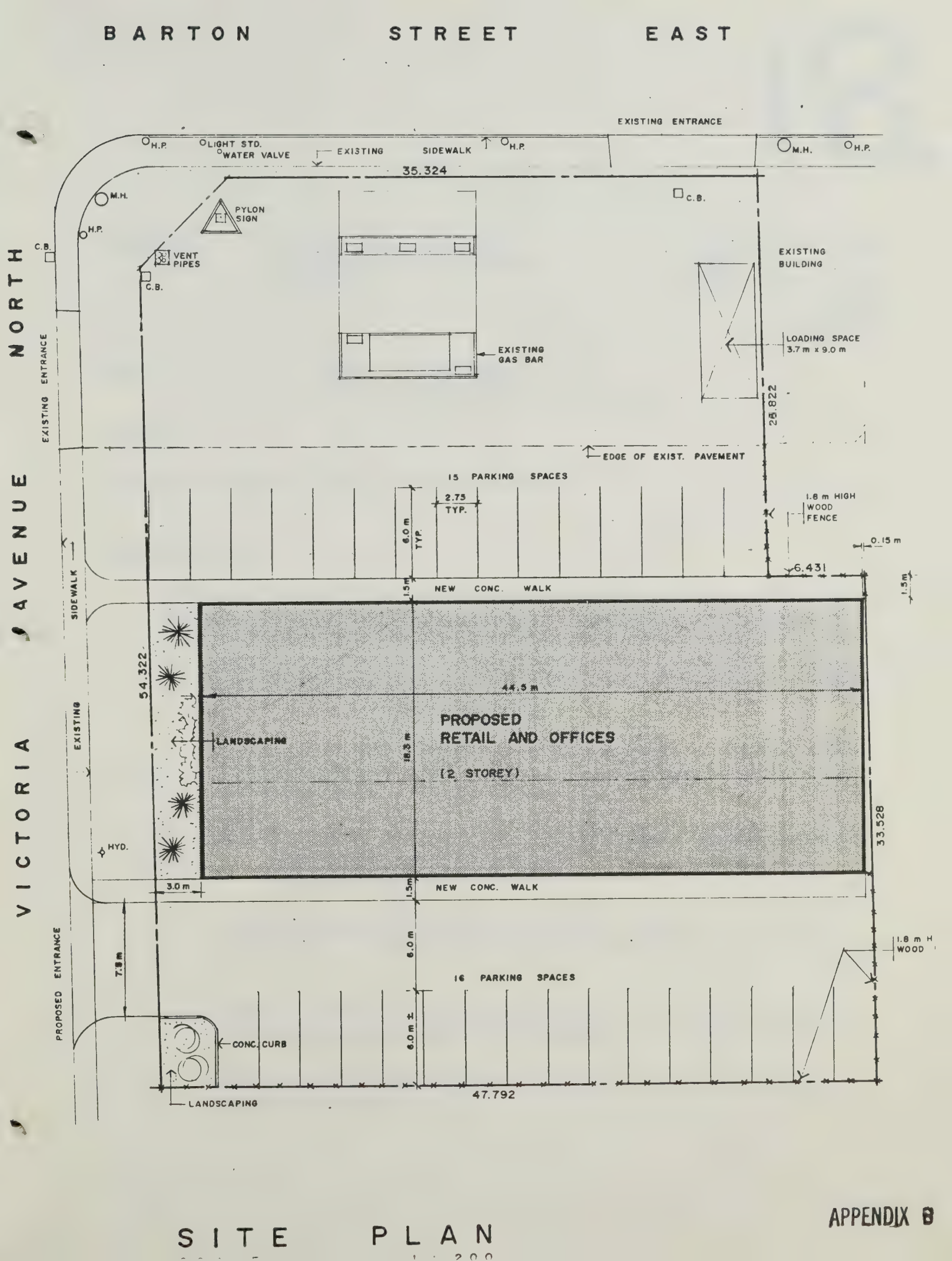


LEGEND

SITE OF THE APPLICATION

ZA 90-49

APPENDIX A



SITE PLAN

1 : 200

APPENDIX B

18.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: September 13, 1990
COMM. FILE:
DEPT. FILE: ZA-90-55
Grayside
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for a modification in zoning - No. 400 Grays Road.

RECOMMENDATION:

1. That approval be given to Zoning Application 90-55, Intermediate Terminals, Division of Canpac International Freight Services Ltd., owner, requesting a modification to the "KK" (Restricted Heavy Industry, etc.) District regulations, to permit Canada Customs, customs brokers, bonded carriers, and ancillary office uses (sufferance warehouse) to occupy more than 15% of the floor area, for the property located at No. 400 Grays Road, as shown on the attached map marked as APPENDIX "A", on the following basis:

   i) That the "KK" (Restricted Heavy Industrial) District regulations as contained in Section 17A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

      a) That Section 17A(1)(aa) and Section 16A(1)(h) shall not apply to ancillary office space used by Canada Customs, customs brokers, bonded carriers, and a sufferance warehouse.

   ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-123 be notated S- ;

   iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-123 for presentation to City Council;

   iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

2. That By-law No. 79-275, as amended by By-law No. 87-233, establishing Site Plan Control be amended by adding the subject lands to Schedule "A".

EXPLANATORY NOTE:

The purpose of the by-law is to provide for a modification to the "KK" (Restricted Heavy Industrial, etc.) District regulations for the property located at No. 400 Grays Road, as shown on the attached map.

The effect of the by-law is to permit ancillary office space for Canada Customs, customs brokers, bonded carriers, and a sufferance warehouse to occupy more than 15% of the floor area.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

APPLICANT:

Intermediate Terminals, Division of Canpac International Freight Services Limited, owner.

BACKGROUND:

The existing building straddles the boundary between the Cities of Hamilton and Stoney Creek with approximately 29% of the total building area located within the City of Hamilton (see APPENDIX "B"). The predominate use of the building is a sufferance warehouse for Canada Customs, customs brokers, bonded carriers, and ancillary office uses. Since the office space is located in the Hamilton portion of the building, it occupies 95% of the area. However, if the office space is calculated for the entire building, it is 46%.

LOT SIZE AND AREA:

- 142.34 m (467 ft.) of lot frontage on Grays Road;
- 35.5 m (116.6 ft.) to 42.76 m (140 ft.) of lot depth in Hamilton;
- 5,687.8 m^2 (61,225 sq. ft.) of lot area in Hamilton.

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands	sufferance warehouse	"KK" (Restricted Heavy Industrial, etc.) District
Surrounding Lands		
to the north	CNR railway, hydro right-of-way	"KK" (Restricted Heavy Industrial, etc.) District
to the south	industrial	"JJ" (Restricted Light and Limited Heavy Industrial, etc.) District
to the east	industrial	"M-3" (General Industrial) District - Stoney Creek
to the west	warehouse, industrial	"JJ" (Restricted Light and Limited Heavy Industry) District
		"KK" (Restricted Heavy Industrial) District

OFFICIAL PLAN:

The subject lands are designated "INDUSTRIAL" on Schedule "A" and are within "Special Policy Area 11" on Schedule "B". The following policies apply, among others:

"A.2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for industry. In this regard, industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:

i) Uses that are incidental to INDUSTRIAL operations such as retail and wholesale enterprises which are operated as subsidiary functions of an INDUSTRIAL establishment;

iv) Public and private transportation terminals, highway and road related services (e.g., automobile service stations); and

vii) All uses which, in the opinion of Council, complement and do not interfere with, or detract from, the primary function of the area.

A.2.3.13 The LIGHT INDUSTRIAL category applies to those Industrial Uses that have a minimal impact on surrounding land use and, as set out in Subsection A.2.9.3, are shown on Schedule "B" as Special Policy Area 11. Generally, LIGHT INDUSTRIAL USES will be encouraged to concentrate in a designed community-like precinct such as the East Mountain Industrial Park.

A.2.3.14 The primary uses permitted in this category may include, but not be limited to: warehousing; light manufacturing and assembly; laboratories and research facilities, communication facilities and printing and publishing plants."

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

There is no Neighbourhood Plan for the Grayside Neighbourhood.

RESULTS OF CIRCULARIZATION:

o The following Department and agency have no comments or objections:

- Traffic Department; and,
- Hamilton Region Conservation Authority.

o The Building Department has advised that:

"1. The maximum allowable office area is 15% of the portion of the building in the City of Hamilton.

2. All the parking and loading required for the portion in the City must be within the City limits."

o The Hamilton-Wentworth Engineering Department has advised that:

"...public watermains and separate storm and sanitary sewers are available to service the subject lands.

The Region has previously acquired the required road allowance widenings adjacent to the subject lands, shown as Part 1 on Expropriation Plan 208070 C.A. Therefore, we do not anticipate any further road allowance widenings at this time.

We are concerned that the approval of this Zoning Application for 100 percent office space in an industrial zone, not under Site Plan Control, may compromise the interests of the Region. As the Committee may be aware, the Region has prepared design plans for the future grade separation of Grays Road at the C.N.R. mainline and at such time as the grade separation is constructed, access to the subject lands will be permitted at the southside of the property only. It is our opinion that the implementation of Site Plan Control on the subject lands will permit the Region to ensure that the development of these lands and the building locations will not encumber the ability of the Region and the applicant/owner to close the existing northerly access and orientate all vehicular traffic, including heavy truck traffic, to the southerly access. Furthermore, it is our concern that without Site Plan Control, the applicant/owner may continue to develop this site with office space and may generate enough traffic through the accesses to warrant the widening of the access approach and driveway to our specifications.

It is recommended that all development of the site be subject to site plan control and that the City of Hamilton can waive site plan control after consulting with the concerned Municipal Departments. We trust this clarifies our concerns on this matter."

o The City of Stoney Creek Planning Department has advised that:

"Planning Staff of the City of Stoney Creek have reviewed the above-noted application and wish to advise that we have no objection to the increase in office space relating to the industrial operation, subject to the City of Hamilton being satisfied that sufficient parking to accommodate this increase will be provided on site."

COMMENTS:

1) The proposal complies with the intent of the Official Plan.

2) There is no approved Plan for the Grayside Neighbourhood.

3) The proposal can be supported for the following reasons:

   a) The existing building straddles the boundary between the Cities of Hamilton and Stoney Creek with approximately 29% of the total building area located within the City of Hamilton. The predominate use of the building is a sufferance warehouse for Canada Customs, customs brokers, bonded carriers, and ancillary office uses. The office function for this use is located within the portion of the building located in Hamilton. Accordingly, the office component utilizes 95% of the floor area instead of the permitted maximum of 15% in the Hamilton portion of the building.

   The nature of the use is such that it needs a large office component as well as warehouse facilities. Furthermore, if the building was located entirely within the City limits then the office component would be 46%, instead of 95%;

b) it does not conflict with the intent of the Official Plan; and,

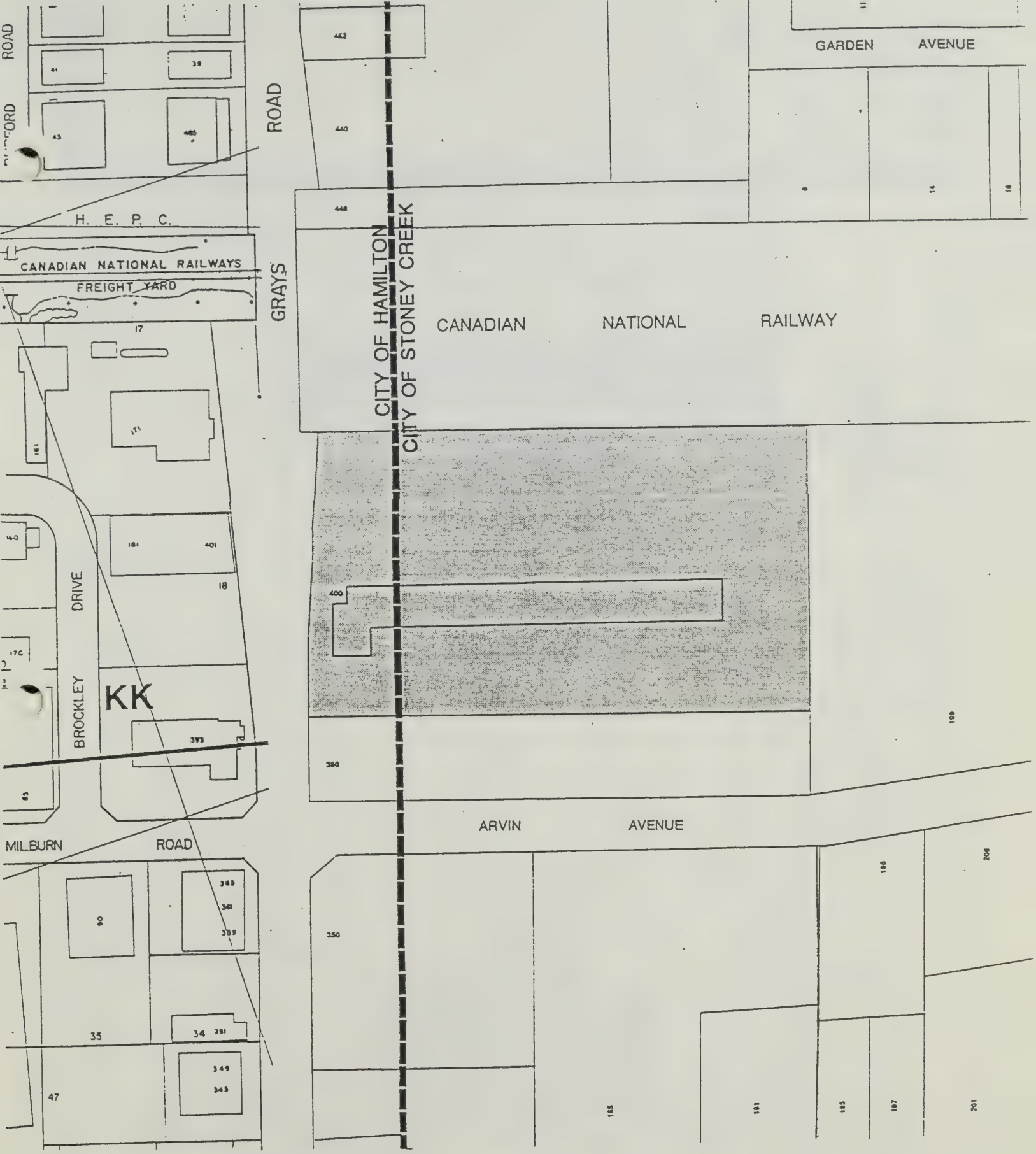
c) it is compatible with the surrounding uses including warehousing to the west and industrial to the north and south.

4. Lands within the "KK" (Restricted Heavy Industry, etc.) District are not subject to Site Plan Control. However, given the concern of the Engineering Department respecting future access, the subject lands should be placed under Site Plan Control.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

JHE/ma
WPZA9055



Legend

Site of the Application

ZA 90-55

APPENDIX A

NEW CONCRETE PAD DETAIL

CANADIAN NATIONAL RAILWAYS

NORTH

NOTES: MAKE GOOD ALL SURFACES (ASPHALT, CONCRETE PAD, GRAVEL FINISH SIDEWALK AND SODDING) DAMAGED AS A RESULT OF NEW CONSTRUCTION.

PHASE WORK TO AVOID INTERFERENCE WITH OPERATION OF FACILITY. SCHEDULE OF PHASING TO BE SUBMITTED TO OWNER FOR APPROVAL PRIOR TO DEMOLITION.

PAINTED METAL PIPE HANDRAIL TO BE INSTALLED ON ONE SIDE OF EXTERIOR HANDICAPPED RAMP.

PART OF LOT 22
CONCESSION I

GRAYS ROAD

WIDENING

NEW EXPANSION

ONE STOREY OFFICE ADDITION B

EXISTING BUILDING

ONE STOREY WAREHOUSE ADDITION A

EXISTING GRAVEL

EXISTING CONC. PAD

EXISTING ASPHALT

EXISTING CHAIN LINK FENCE

N 72° 07' 30" W 783.32'

N 72° 07' 30" W 802.0'

N 71° 42' 20" W 33.39'

SECTION D-D

APPENDIX B

SITE STATISTICS

LOT AREA: 369,538 S.F.

EXISTING BUILDING

GROUND FLOOR AREA - 32,363 S.F.
SECOND FLOOR AREA - 13,822 S.F.

ADDITIONS

WAREHOUSE ADDITION - 3,050 S.F.
OFFICE ADDITION - 4,628 S.F.

TOTAL GROUND FLOOR AREA - 41,851 S.F.

LOT COVERAGE: 11.3%

VEHICLE PARKING - 113 CARS

OCCUPANCY CLASSIFICATION: F3

NON SPRINKLERED

FACING: 3 STREETS

ARTICLE 3.2.2.67 N.B.C.

MAXIMUM GROUND FLOOR AREA UNDER THIS ARTICLE: 9,937 m² (107,000 S.F.)

ROOF RATING: NONE

FLOOR RATING: 3/4 HR.

LEGEND

NEW GRAVEL
NEW ASPHALT
NEW CONCRETE PAD
NEW SODDING

CONCRETE WALK

HANDICAP RAMP

BOLLARD DETAIL

NO	BY	DATE	REVISED
1			ISSUED FOR BUILDING PERMIT
2			(NEW) NEW TENANTS

NO	BY	DATE	REVISED
1			REV TO CITY OF HAMILTON

VERIFY ALL DIMENSIONS AND CONDITIONS OF THE JOB

PLANS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECT AND MUST BE RETURNED AT COMPLETION OF THE WORK OR UPON REQUEST

THIS DRAWING MUST NOT BE USED FOR CONSTRUCTION UNLESS APPROVED AT RIGHT

APPROVED

DATE

SCOLER + GLUCK ARCHITECTS

80 CHURCH STREET
TORONTO ONT M5C 1G1 (416) 368 7708

PROJECT
EXPANSION FOR INTERMEDIATE TERMINALS

HAMILTON ONTARIO

DRAWING TITLE

SITE PLAN

ONTARIO ASSOCIATION OF ARCHITECTS

DRAWN	J.M.
CHECKED	T.G.
SCALE	1" = 30'
DATE	OCT 88
FILE NO	8841
DRAWING NO	A1

19.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: 1990 September 13
COMM. FILE:
DEPT. FILE: ZA-90-13
Ryckmans
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for changes in zoning - Nos. 1451, 1459, 1465, and 1469 Upper James Street.

RECOMMENDATIONS

1. That approval be given to Official Plan Amendment No. to redesignate lands shown as Block "1" on APPENDIX "A", from "RESIDENTIAL" to "COMMERCIAL" and to include Block "1" in Special Policy Area 31, and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.

2. That approval be given to amended Zoning Application 90-13, R. Yates and T. Yates, prospective owners, requesting a change in zoning from "AA" (Agricultural) District to "G" - "H" (Neighbourhood Shopping Centre, etc.) Holding District for Block "1", from "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District for Block "2" and from "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District for Block "3", to permit future development of the subject lands as a neighbourhood shopping centre in conjunction with the adjoining lands to the south, for property located Nos. 1451, 1459, 1465 and 1469 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

   i) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act, R.S.O., to Block "1", by introducing the holding symbol "H" as a suffix to the proposed Zoning District which will prohibit the development of the subject lands until land assembly with the adjoining lands to the south takes place and a site plan is approved for the assembled lands.

   Removal of the holding restriction shall be conditional upon:

   - the applicants assembling the adjoining lands to the south up to the proposed mid-block collector road; and,

- approval of site plans for the assembled lands which shall include an alternate access onto the proposed mid-block collector road to the satisfaction of the Director of Traffic Services for the City of Hamilton.

City Council may remove the "H" symbol, and thereby give effect to the "G" District provisions as stipulated in this By-law by enactment of an amending By-law once land assembly has taken place and a site plan is approved for the assembled lands.

ii) That Block "1" be rezoned from "AA" (Agricultural) District to "G" -"H" (Neighbourhood Shopping Centre, etc.) Holding District;

iii) That Block "2" be rezoned from "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District;

iv) That Block "3" be rezoned from "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District;

v) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations, as contained in Section 13 of Zoning By-law No. 6593, applicable to Block "1", be further modified to include the following variances as special provisions:

a) that notwithstanding Section 13.(1), the following additional commercial uses shall be permitted:

1. A liquor dispensary;
2. A brewer's retail store; and,
3. A video store.

b) that notwithstanding Section 13.(1)(xiv), a theatre with seating capacity for not more than one thousand persons shall be permitted;

c) that Section 13.(3)(ii) shall not apply to the southerly boundary;

d) that a minimum 9.1 m wide landscaped strip shall be provided and maintained along the entire easterly boundary of Block "1";

e) that a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained within the landscaped strip along the entire easterly boundary line of Block "1";

f) no pedestrian or vehicular access shall be located along the easterly boundary of Block "1";

vi) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations, as contained in Section 13 of Zoning By-law No. 6593, applicable to Blocks "2" and "3", be modified to include the following variances as special provisions:

a) that notwithstanding Section 13.(1), the following additional commercial uses shall be permitted:

1. A liquor dispensary;
2. A brewer's retail store; and,
3. A video store.

b) that notwithstanding Section 13.(1)(xiv), a theatre with seating capacity for not more than one thousand persons shall be permitted;

c) that Section 13.(3)(ii) shall not apply to the southerly boundary;

d) that notwithstanding Section 13.(3)(i), a front yard of not less than 6.0 m shall be provided and maintained for that portion of any building located within 22 m of the southerly boundary of Block "3";

e) that a minimum 3.0 m wide landscaped strip shall be provided and maintained along the entire easterly boundary of Block "2";

f) that a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire easterly boundary line of Block "2";

vii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S- , and the subject lands on Zoning District Map E-9D be notated S- ;

viii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council;

ix) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon the approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth; and,

x) That the Ryckmans Neighbourhood Plan be amended by redesignating Block "1" from "LOW DENSITY APARTMENTS" to "NEIGHBOURHOOD COMMERCIAL", and part of Blocks "2" and "3" from "COMMERCIAL AND RETAIL WAREHOUSE" to "NEIGHBOURHOOD COMMERCIAL".

3. That the amending By-law not be forwarded for passage by City Council until such time as:

i) the City Solicitor has been notified by Bayfield Green Developments Ltd. (owner of 1471 Upper James Street) that the rezoning applicants have entered into an agreement satisfactory to Bayfield Green to provide a permanent right-of-way to Blocks "2" and "3" (APPENDIX "A") being rezoned to connect property municipally known as 1471 Upper

James Street with the proposed access point to Upper James Street on the lands being rezoned; and,

ii) the applicants apply for and receive approval of site plans incorporating the applicable "Urban Design Guidelines for Upper James Street" for Blocks "2" and "3" (APPENDIX "A"), including the adjoining lands to the south known as 1471 Upper James Street.

EXPLANATORY NOTE

In regard to Block "1", the amending By-law establishes the holding provisions of Section 35(1) of the Planning Act, R.S.O., by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until an assembly with the lands to the south has taken place and a site plan is approved for the assembled lands. Removal of the holding restriction shall be conditional upon land assembly with the lands to the south, site plan approval for the assembled lands, and the passage of an amending By-law to remove the "H" symbol, and thereby giving effect to the "G" District provisions.

With regard to Blocks "2" and "3", the purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District for Block "2" and from "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District for Block "3" for properties located at Nos. 1451, 1459, 1465, and 1469 Upper James Street, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit future development of Block "1" for a neighbourhood commercial plaza, in conjunction with the adjoining lands to the south. With regard to Blocks "2" and "3", the purpose of the By-law is to permit commercial development of the subject lands. In addition, the By-law has the following special requirements for Block "1", at the time it is developed:

- the following additional commercial uses shall be permitted: a video store, a brewers' retail outlet, a liquor store, and a theatre with a seating capacity of not more than 1,000 persons;
- no side yard along the southerly boundary of Block "1" whereas a 4.5 m side yard is required;
- a minimum 9.1 m wide landscaped strip be provided and maintained along the eastern boundary of Block "1";
- a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height be provided and maintained within the landscaped strip along the eastern boundary of Block "1"; and,
- no access to the future street (directly east of Block "1") shall be permitted.

With regard to Blocks "2" and "3", the By-law provides for the following special requirements:

- the following additional commercial uses shall be permitted: a video store, a brewers' retail outlet, a liquor store, and a theatre with a seating capacity of not more than 1,000 persons;

- no side yard along the southerly boundary of Blocks "2" and "3" whereas a 4.5 m side yard is required;
- a minimum front yard of 6.0 m (20 feet) instead of the required 24.0 m (80 feet) for that portion of any building within 22 m (72 feet) of the southerly boundary of Block "3";
- a minimum 3.0 m wide landscaped strip be provided and maintained along the easterly boundary of Block "2"; and,
- a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height be provided and maintained along the easterly boundary of Block "2".

A.L. Georgieff, M.C.I.P.
Director of Local Planning

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

o Proposal

The applicants are requesting a rezoning for Nos. 1451, 1459, 1465 and 1469 Upper James Street. The purpose of the application is to permit commercial development of the subject lands. It should be noted that part of this application, to rezone the rear portion of these lands for single-family residential development was approved by the Planning and Development Committee on July 25, 1990. The application to rezone the front portion was tabled at that time in order for the applicants to investigate a comprehensive development with the lands to the south, a remnant parcel of land, municipally known as No. 1471 Upper James Street (see APPENDIX "B").

In the interim, the applicants for this property and the adjoining property owner to the south have investigated a comprehensive development scheme and have come to a proposal acceptable to both parties. The development of No. 1471 Upper James Street will be addressed through Zoning Application 90-61.

o Design Guidelines for Upper James Street Corridor

The subject lands are within the Upper James Street Corridor and are subject to the Urban Design Guidelines as set out in the approved Ryckmans Neighbourhood Plan. According to these guidelines the lands are designated to be a mid-block node/village for which the following policies are applicable:

"The permitted uses will include neighbourhood-based retail and service uses to serve the adjacent residential areas, possibly in combination with retail/warehouse or residential uses.

This area will be developed in the form of several small plazas, one located on each corner of the intersection. The plazas will be roughly U-shaped, with wide sidewalks to the front and parking areas to the rear.

The area will be designed primarily for the use of pedestrian traffic, rather than through automobile traffic. It will provide local neighbourhood-based shopping and other services for nearby residents. It will also act as a gateway to the neighbourhood, by means of the collector road. A small town atmosphere will be encouraged.

The maximum building height permitted will be 3 to 4 stories. This may enable mixed use buildings with commercial on lower floor(s) and residential on upper floor(s).

The depth of these areas will be approximately 130 m (425 feet) with approximately 90 m (300 feet) of frontage on both the north and south sides of the mid-block intersection."

APPLICANTS

R. Yates and T. Yates, prospective owners.

LOT SIZE AND AREA

The properties are irregular in shape and have:

- 80.162 m (263 feet) of lot frontage on Upper James Street;
- 176.784 m (580 feet) of lot depth; and,
- 1.62 ha (4.0 acres) of lot area.

LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands	vacant and single-family dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District

Surrounding Lands

to the north and south	vacant and single-family dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the west	single-family dwellings	"C"(Urban Protected Residential, etc.) District
to the east	vacant	"AA" (Agricultural) District

OFFICIAL PLAN

The subject lands are designated "RESIDENTIAL" (Block "1") and "COMMERCIAL" (Blocks "2" and "3") on Schedule "A" - Land Use Concept. The proposal to rezone Block "1" does not comply with the intent of the Official Plan. The following policies are applicable:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities."

In addition to the above, Blocks "2" and "3" fall within Special Policy Area 31, for which the following policies are applicable:

"A.2.9.3.26 In keeping with the provision of Subsection 2.2 - Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 31 (which includes 31a, 31b, and 31c) and designated "COMMERCIAL" on Schedule "A" the following will apply:

i) The Upper James Street frontage is recognized as a highway-oriented Commercial area which will include a diversity of retail and services uses catering not only to the travelling public, but to the daily needs of adjacent neighbourhoods.

ii) In keeping with Clause i) above, three sub-areas are identified to provide the following uses within the SPECIAL POLICY AREA:

c) in AREAS "31c", neighbourhood-based retail and service uses catering to the adjacent Residential areas will be permitted. However, in the case of

the Area identified as "31c", located mid-block between Stone Church Road and Rymal Road, in the vicinity of a mid-block collector (as may be determined through the Neighbourhood Plan), retail warehouse uses will also be permitted in addition to neighbourhood-based retail and service uses. Development of these Areas may take place east-west along the collector (as opposed to the Upper James Street frontage)."

With regard to the application of the "H" Holding symbol, the following policies should be noted:

"D.3.3.3 Council, where deemed appropriate, will apply the holding provision of the ZONING BY-LAW, pursuant to The Planning Act, to specify the ultimate use of those lands which are contemplated for development or redevelopment at some time in the future. Thereby, Council will be able to preview proposals prior to development or redevelopment to ensure that it is compatible with surrounding land uses. The holding provision of the ZONING BY-LAW will be identified by the symbol "H" in the ZONING BY-LAW and applied under one or more of the following circumstances:

i) When land assembly is required to permit orderly development or redevelopment;

iv) Where an area must undergo further study, or where a detailed design plan is required, as designated in this Plan, or as will be determined by an Amendment to this Plan from time to time."

On the basis of the above, the proposal to rezone Block "1" does not comply with the intent of the Official Plan. Approval of the application would require an Official Plan Amendment to redesignate Block "1" from "RESIDENTIAL" to "COMMERCIAL" and to include Block "1" in Special Policy Area 31.

NEIGHBOURHOOD PLAN

The lands are designated "LOW DENSITY APARTMENTS" (Block "1") and "COMMERCIAL AND RETAIL WAREHOUSE" and "NEIGHBOURHOOD COMMERCIAL" (Blocks "2" and "3") on the approved Ryckmans Neighbourhood Plan. Approval of the application would require a redesignation on the neighbourhood plan from "LOW DENSITY APARTMENTS" to "NEIGHBOURHOOD COMMERCIAL" (Block "1") and from "COMMERCIAL AND RETAIL WAREHOUSE" to "NEIGHBOURHOOD COMMERCIAL" (part of Blocks "2" and "3").

COMMENTS RECEIVED

- The Hamilton Region Conservation Authority has no comment.

o The Building Department has advised that:

"1. The plan submitted includes the lands of 1471 and 1477 Upper James Street which requires zoning change to permit the proposed use.

2. Presently 1471 Upper James Street is in the process of a zone change under application ZA-90-61, which requires by-law approval by City Council.

3. The required front yard setback of both buildings is a minimum 24.0 m.

4. Based on the total floor area of 4605.9 m^2, the required parking space is 159 and the required loading spaces are 2 - 3.7 m x 18.0 m x 4.3 m.

5. The proposed road allowance shall be established under by-law prior to permitting access to and egress from the lands."

o The Traffic Department has advised that:

"We have been advised by Regional Engineering that the location of the proposed local roadway along the easterly rear lot line of this site is incorrect. The roadway is proposed further west. A similar development (ZA-89-104) required a 9.0 m landscape strip along the easterly lot line. We anticipate that this application would have similar landscaping requirements. The above comments would necessitate a revised site plan. The applicant should be advised that access will be prohibited to the local roadway along the easterly rear lot line. Access to the proposed roadway along the southerly property line must provide a minimum of 25.0 m of controlled access from the curb line to the internal circulation aisles to avoid any potential vehicle conflicts. The approved neighbourhood plan proposes commercial and retail warehouse uses along the Upper James Street frontage. This type of extended strip commercial development is characterized by numerous uncoordinated strip malls with individual, uncontrolled access points which generate approximately 400 trips accessing/egressing Upper James Street during the p.m. peak hour. It is imperative that all accesses to Upper James Street be scrutinized. The future widening of Upper James Street and the possible signalization of the collector roadway may restrict the Upper James Street access to right in/right out. We would recommend that the applicant pursue the possibility of developing a mutual access with the site immediately north. This would minimize vehicle congestion and turning movement conflict. In addition, the applicant should be advised that the vehicular connection to the northern site, as shown in this current proposal, would not be acceptable."

And further advised:

"This site must be developed in conjunction with the lands immediately adjacent to the southerly lot line in order to provide adequate access/egress to this commercial development. This specific development will generate approximately 400 trips accessing/egressing Upper James Street during the p.m. peak hour. A single right in/right out access on Upper James Street would not be adequate for this site.

The Traffic Department would not support the development of this site with only a single access/egress to Upper James Street."

o The Hamilton-Wentworth Engineering Department has advised that:

"Please be advised that public watermains are available to service the subject lands. The storm and sanitary sewers are currently under construction on Upper James Street and will be available by the fall of this year. The rear portion of the subject lands will be serviced by draft plan of subdivision.

The designated road allowance width of Upper James Street is 36.58 m. In accordance with this designation, we recommend that as a condition of development approval that sufficient lands be dedicated to the Region of Hamilton-Wentworth to establish the property line 18.29 m from the centreline of the original Upper James Street road allowance."

And further advised:

"1. Previous comments on rezoning application relating to the road allowance widening of Upper James Street are still applicable and it is unclear whether the plans submitted reflect this widening.

2. As was noted in our previous comments, the street to the rear of the subject lands must align centreline to centreline with the street approved in Coventry Gardens and the north-south street as shown as Parts 7 and 8 of Reference Plan 62R-9535. The plans submitted are incorrect and must be revised accordingly and a 250 m radius minimum must be introduced to blend in the street angles.

3. Comments from the City of Hamilton Traffic Department should be considered with respect to access to the internal streets from the plaza. It was originally intended in the neighbourhood plan that a portion of these lands would be residential and are now being rezoned to commercial. We have discussed this rezoning with staff of the City of Hamilton Traffic Department and advise now that there may be restrictions to access onto Upper James Street or requirements for common commercial access for property to the north. Therefore, we can support commercial development in general subject to certain requirements etc. and note that the site plan submitted is unsatisfactory. Once the City of Hamilton Traffic Department has prepared overall driveway access location plans for this section of Upper James Street, we will be in a position to provide more detailed comments and the applicant can then prepare a site plan in accordance with their guidelines. It should be noted that any roadway improvements required as a result of this development approval will be at the entire expense of the applicant/owner.

   As a condition of site plan and/or division of the land the outstanding servicing cost for the City/Region for the residential street to the rear must be paid.

4. All the lands required for the establishment of the adjacent roadways are to be dedicated to the City/Region as a condition of development approval."

COMMENTS

1. The proposal to rezone Block "1" does not comply with the intent of the Official Plan. Approval of the application would require an Official Plan Amendment to redesignate Block "1" from "RESIDENTIAL" to "COMMERCIAL" and to include Block "1" in Special Policy Area 31.

2. The proposal does not comply with the intent of the approved Ryckmans Neighbourhood Plan. Approval of the application would require a redesignation on the neighbourhood plan from "LOW DENSITY APARTMENTS" to "NEIGHBOURHOOD COMMERCIAL" (Block "1") and from "COMMERCIAL AND RETAIL WAREHOUSE" to "NEIGHBOURHOOD COMMERCIAL" (part of Blocks "2" and "3").

3. The proposal to rezone Block "1" has merit and can be supported for the following reasons:

   i) it provides for a comprehensive development of the lands in accordance with the approved Ryckmans Neighbourhood Plan; and,

   ii) from a planning perspective, the proposed commercial development of the entire block is preferable since it provides for greater buffering and screening between the commercial development and the future low-density residential development to the east. There would no longer be lots backing directly onto the commercial site as the internal street would separate the commercial and residential development. The impact on the residents would be substantially reduced.

However, the Traffic Department has expressed concerns regarding access given the size and scale of development currently proposed. While the development of the lands for commercial purposes to the depth proposed merits consideration, the concerns of the Traffic Department preclude development of the entire depth until such time as land assembly has occurred with the adjoining land owner to the south and an access plan showing access from the subject properties to the mid-block collector has been submitted to the satisfaction of the Director of Traffic Services for the City of Hamilton. In this regard, it would be appropriate that the lands be subject to Section 35(1) of the Planning Act, R.S.O., whereby Council may, in a By-law, use a holding symbol "H" in conjunction with any zoning district and specify the use to which lands, buildings, or structures may be put at such time in the future as the holding symbol is removed by amendment to the By-law. The purpose of the "H" Holding symbol, as applied to Block "1", would be to require land assembly with the lands to the south and the approval of a site plan for the assembled lands.

It should be noted that the applicants' agent has agreed to this approach.

4. The proposal to rezone Blocks "2" and "3" has merit and can be supported for the following reasons:

   i) it implements the general intent of the approved Ryckmans Neighbourhood Plan;

   ii) it would be compatible with the existing and proposed development in the area; and,

   iii) the requested zoning is appropriate for the subject development.

5. On the basis of a preliminary site plan submitted, the following variance has been identified:

   i) Permitted Uses (Section 13.(1)) - Blocks "1", "2", and "3"

   The applicants have requested additional commercial uses to that permitted in the "G" District. These are: a liquor store, a brewers retail outlet, a video store, and a theatre with a maximum seating capacity of one thousand persons. A variance to permit a liquor store and a brewers' retail outlet was approved for the "G" zoned land to the south of the subject properties, and can be supported for these properties. The variance to permit the video store can be supported as it is typically found in neighbourhood plazas and is a use not contemplated at the time the comprehensive Zoning By-law was prepared. With regard to the theatre, the applicants' agent has advised that this capacity is required to accommodate a tenant such as Cineplex. Accordingly, the variance can be supported.

   ii) Southerly Side Yard (Section 13.(3)(ii)) - Blocks "1", "2", and "3"

   The adjoining lands to the south are zoned "C" (Urban Protected Residential, etc). District and "AA" (Agricultural) District. The "G" District provisions require a side yard equivalent to that provided in any adjoining district. In this instance, this would require a 4.5 m side yard along the entire southerly side lot line. A variance to eliminate the required side yard can be supported as the future intended development of the lands to the south is commercial to be assembled and developed together with the subject lands.

   iii) Front Yard (Section 13.(3)(i)) - Block "3"

   The applicants have shown two buildings on the subject property: one near the northern lot line with a front yard of 24.0 m and one near the southern lot line with a front yard of 6.0 m. The properties to the north of the subject lands are zoned "HH" (Restricted Community Shopping and Commercial) District. In accordance with the Urban Design Guidelines for the Upper James Street Corridor, a 24.0 m (80 feet) front yard was required. Under the "G" District regulations, a similar front yard is required due to the front yards on the properties within the same block. This is a technicality of the Zoning By-law and a variance to reduce the front yard of the southern building can be supported. Furthermore, the 6.0 m setback for the southerly lot line is provided to accommodate the Urban Design Guidelines for the Upper James Street Corridor.

6. Block "1" adjoins future single-family residential development to the rear. Similar applications in this area of Upper James Street have had special requirements placed on them to adequately buffer the adjoining residential districts and in accordance with Upper James Street Design Guidelines. Given the future intended development to the rear of these lands, it would be appropriate to have the following special requirements:

   i) a minimum 9.1 m landscaped strip be provided and maintained along the entire easterly portion of the commercially zoned property within which a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained;

   ii) no access shall be permitted from the eastern boundary of the commercial property to the (future) north-south internal neighbourhood street.

   Block "2" adjoins future intended commercial development (Block "1"). However, should the development of Block "1" not proceed in accordance with the intention of the "G" - "H" provisions of Block "1", there may be a hardship imposed on any future users of Block "1" by being adjacent to commercially zoned land. Therefore, it would be appropriate to require a minimum 3.0 m landscaped strip and a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height be provided and maintained along the easterly boundary of Block "2". Should Block "1" proceed with commercial development per the "G" District regulations applicable to Block "1", the buffering and fencing requirements for Block "2" could be removed through amendment to the By-law as part of the application to remove the "H" holding symbol for Block "1".

7. The development of this property is intended to be a comprehensive redevelopment of this section of Upper James Street in accordance with the approved Ryckmans Neighbourhood Plan. The adjoining property to the south (No. 1471 Upper James Street) is intended to be included with this development. At the present time, that property is held under separate title and is being developed by another developer, jointly with this property.

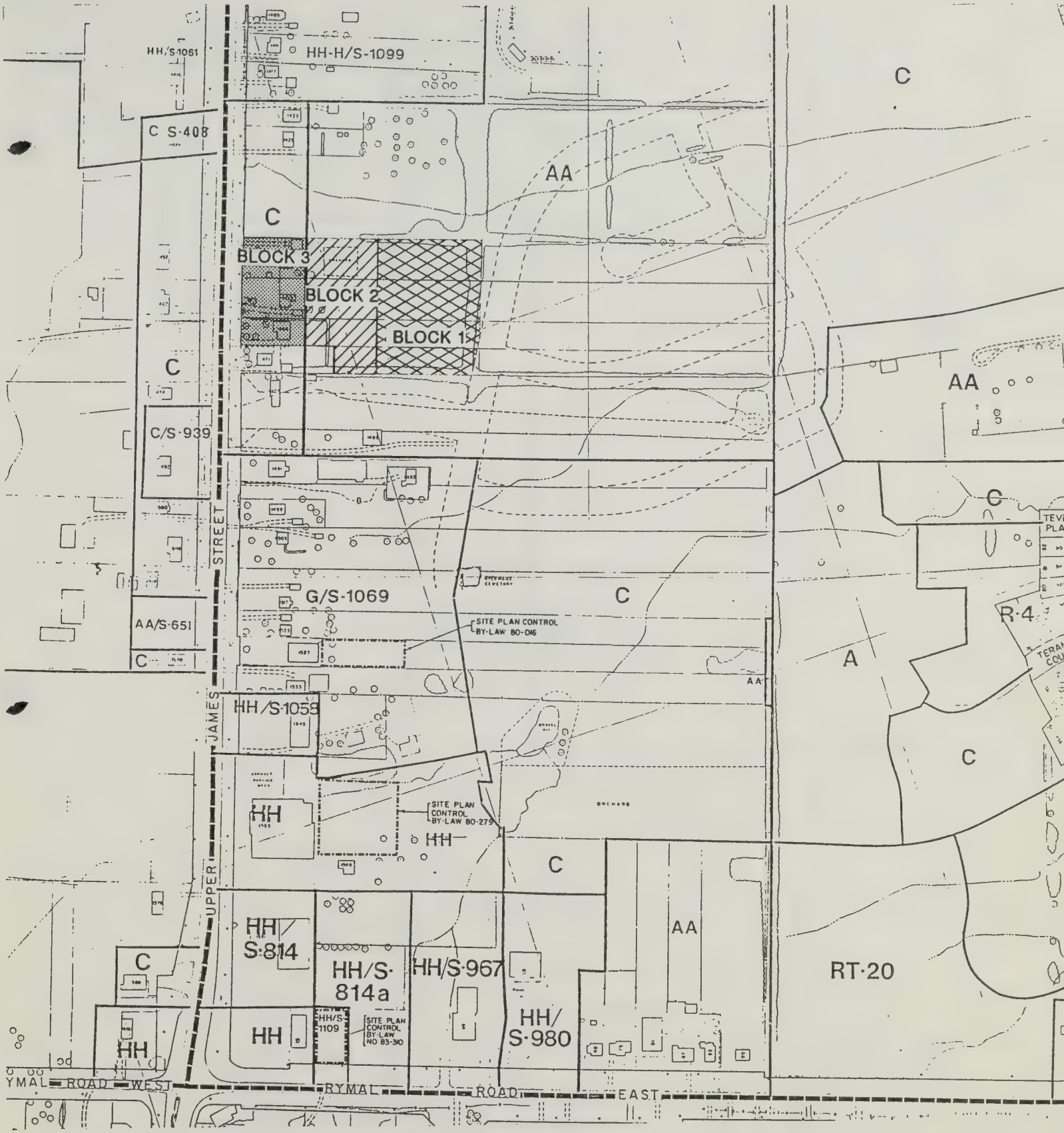
   Development of these properties in accordance with the neighbourhood plan will prohibit the adjoining property to the south from having an access driveway to and from Upper James Street. Therefore, it would be appropriate to require an easement to be registered on title, to the satisfaction of the City Solicitor, regarding access for the property at No. 1471 Upper James Street, prior to the passing of the amending By-law.

8. The "G" (Neighbourhood Shopping Centre, etc.) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law 87-223. Given the concerns expressed by the Engineering and Traffic Departments, it would be appropriate to require site plan approval prior to the passing of the amending By-law. This would also allow for the inclusion of the "Urban Design Guidelines for Upper James Street Corridor", and the review of access, parking, loading, etc.

CONCLUSION

Based on the foregoing, the amended application can be supported.

MLT:ma
WPZA9013



Legend

Proposed change in zoning from:

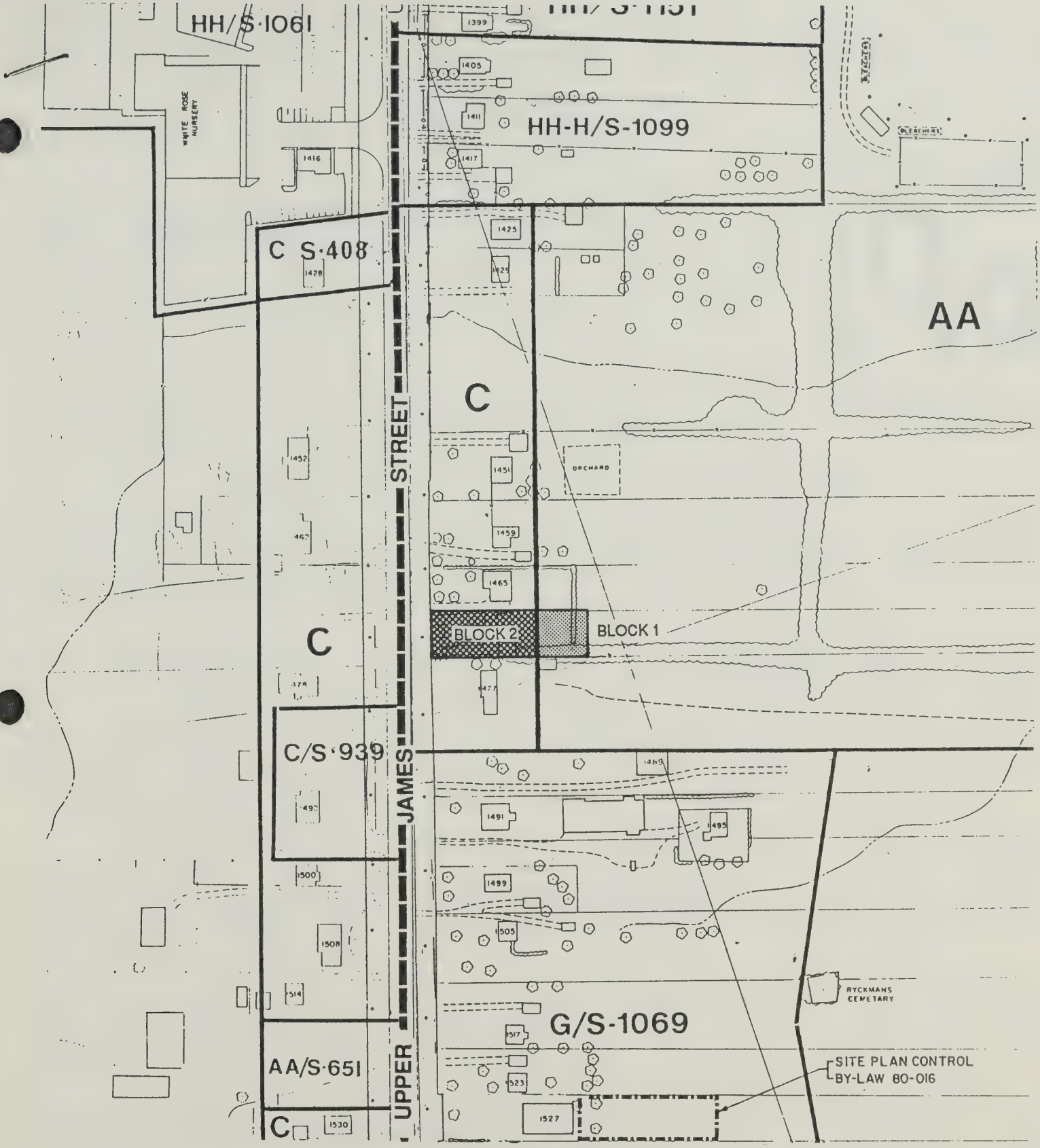
BLOCK 1 — "AA" (Agricultural) District to "G" - "H" (Neighbourhood Shopping Centre, etc.) Holding District.

BLOCK 2 — "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre,etc.) District.

BLOCK 3 — "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Sopping Centre, etc.) District.

ZA 90-13

APPENDIX A



Legend

Proposed change in zoning from:

BLOCK 1 — "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District

BLOCK 2 — "C" (Urban Protected Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District

ZA90-61

APPENDIX B

Robert C. Dickson Ph.D.,M.D.

1428 Upper James Street
Hamilton, Ontario
L9B 1K3

September 2, 1990

19a.

Planning and Development Committee, City Hall,
71 Main Street West,
Hamilton, Ontario L8N 3T4

Re: Planning Department File # ZA-90-13

Dear Sirs:

This letter is a supplement to the "business reply card" soliciting neighbourhood opinion concerning the latest of a long series of applications for rezoning of land on Upper James Street.

It is my considered opinion that the exercise of sending out "business reply cards" is no more than a costly and meaningless farce. It has become obvious that the approval of applications for rezoning of lands on Upper James Street in the City of Hamilton, is dictated by pressures arising from developers, desire to maximize revenue and a misguided sense that somehow Hamilton is being "properly developed".

Constant amendments are required because of non-compliance with the Official Plan. Miles of "strip malls" with inadequate green spaces, constitute a major entrance to our City. This is unnecessary, unaesthetic and ludicrous. "Planning" has become totally unnecessary. Please refer to the sequence of events through which the Bayfield Green Development was allowed to proceed stage by stage to conclusion despite continuous and repeated violation of the terms which were to be fulfilled during construction. Developers can always circumvent the "plan".

Individuals acting either alone, in groups or with the support of their aldermen are basically powerless to alter decisions of the "Planning and Development Committee" unless the Committee decides to give in on some token issue for the sake of appearance. I have attended your meetings and have had reasonable and well-researched arguments ignored and/or not even recorded in your minutes.

Why bother to solicit public input? You have made up your minds before meetings take place. The meeting is not even a good arena for the frustrated few to vent their unhappiness - it only leads to deeper bitterness.

Upper James Street is certainly being "developed". I do not believe the development is being adequately "planned".

Sincerely,

Robert C. Dickson M.D.

Robert C. Dickson Ph.D.,M.D.,C.C.F.P.

cc. Mr. John Gallagher, Alderman
Ontario Municipal Board

20.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT COMMITTEE

DATE: August 28, 1990
COMM FILE
DEPT FILE: P5-2-53

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Proposed Plan for the Northeast Section of the Gourley Neighbourhood.

RECOMMENDATION

That the proposed plan for the north-east section of the Gourley Neighbourhood, attached as Map 1, be adopted by Council.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

J. D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- The Gourley Neighbourhood Plan which was adopted by Council in 1988 deferred the north-east section of the Neighbourhood for further review of the proposed road pattern and land uses.
- The Neighbourhood review commenced in August 1989. During the process there was consultation with municipal agencies, school boards and property owners.
- A public meeting was held on December 13, 1989 to discuss the proposed plan for the deferred north-east section of the Neighbourhood.

The following items were discussed at the public meeting:

- types of innovative housing;
- infill between existing houses;
- zoning change procedures;
- expropriation for road purposes;
- widening and road improvements West 5th Street; and,
- Freeway noise abatements measures, construction, timing, etc.

The minutes of the Public Meeting and the submissions are available on request from Susan Reeder, Planning and Development Committee Secretary.

ANALYSIS

SUBMISSIONS REVIEW (Map 2 shows the location of submittees)

1) Issue: Proposed Road Pattern

a) Submittee:

May, Pirie & Associates Limited Land Use Planning Consultants, on behalf of Starward Homes.

Concern

Submitted a plan requesting modifications to the Neighbourhood Plan proposed street locations.

- Realignment of proposed road to allow for lots backing onto Joseph Court.

- Shifting of another proposed road 18 feet to the east to utilize property boundary.

Comment

The proposed roads can be adjusted in accordance with the submission without compromising the overall road pattern in the surrounding area.

b) Submittee:

G. Schneider, owner of 173 Limeridge Road East.

Concern

Submitted a sketch showing the following modification to the proposed street location:

- realign the proposed east-west road so that the centre line coincides with the southern property boundary.

Comment

Moving the proposed roadway south to the property line would impact other east-west roads to the south and would not permit the efficient layout of lots.

2) Issue: Proposed Walkway

Submittee:

F. Fontana, owner of 832 West 5th Street.

Concern

Requested the deletion of the proposed walkway which is located on his property.

Comment

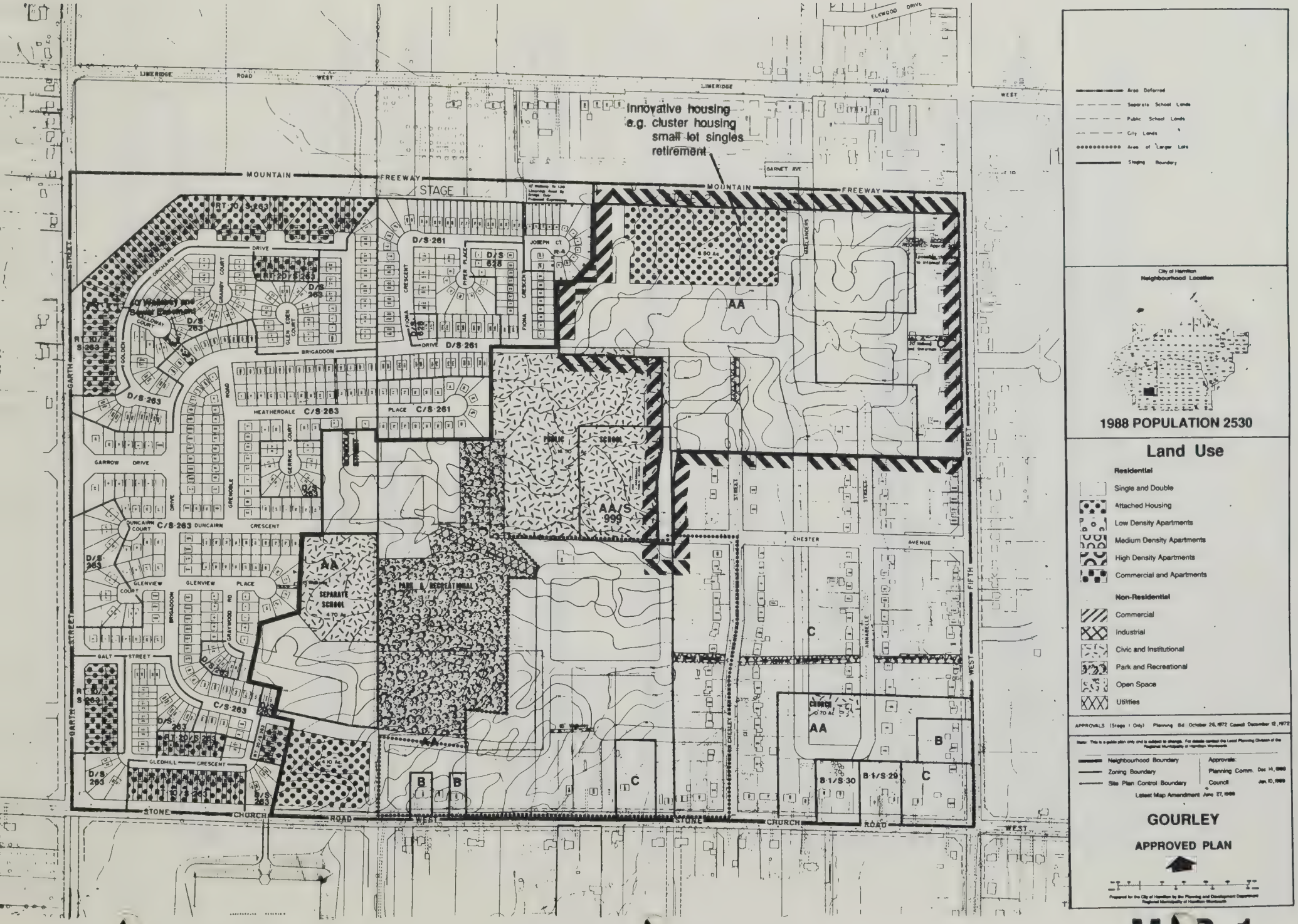
A walkway is an important planning feature which provides for convenient pedestrian access between the interior of the neighbourhood and West 5th Street. The walkway (20 feet wide) would be located on a watermain right-of-way.

CONCLUSION

The proposed road in the north-east section of the Neighbourhood Plan has been adjusted to permit houses to be built on both sides of the proposed street at the rear of Joseph Court.

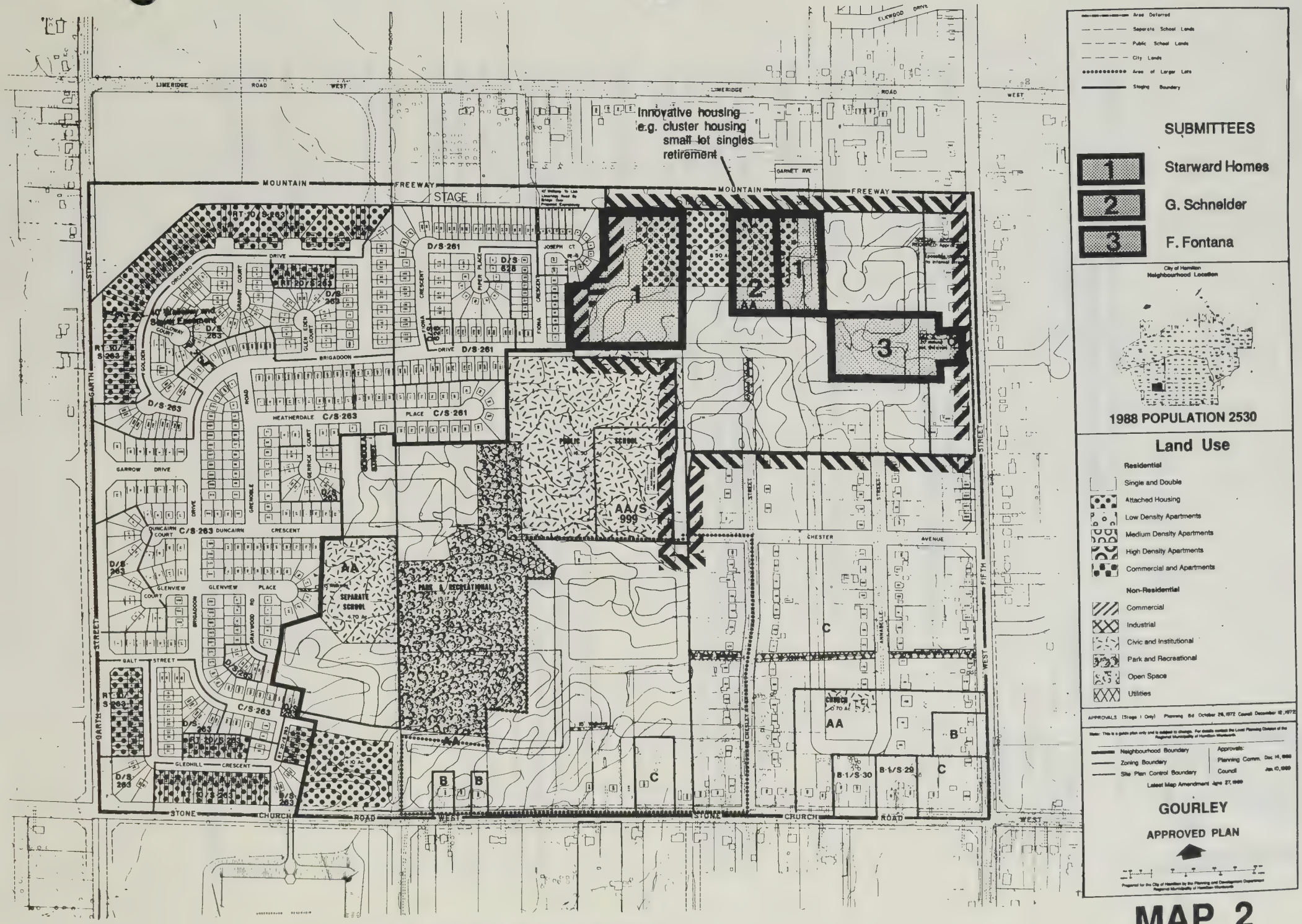
The proposed plan for the north-east section of the Neighbourhood as amended should now be approved to allow development to proceed.

dg
GG:ns/dkp
A:\GOURLEY



SUBJECT AREA

MAP 1


Innovative housing
e.g. cluster housing
small lot singles
retirement
MOUNTAIN FREEWAY
STAGE I
LIMEBRIDGE ROAD WEST
STONE CHURCH ROAD WEST
GARTH STREET
FIFTH STREET
ELKWOOD DRIVE
GARNET AVE
JOSEPH CT
BRIGADOON
HEATHERDALE
GARROW DRIVE
DUNCAIRN COURT
DUNCAIRN CRESCENT
GLENVIEW COURT
GLENVIEW PLACE
GRAVEWOOD RD
GALT STREET
GLEDHILL CRESCENT
CHESTER AVENUE
ANNABELLE
PUBLIC SCHOOL
PARK & RECREATIONAL
SEPARATE SCHOOL
CHURCH
SUBMITTEES
1 Starward Homes
2 G. Schneider
3 F. Fontana
City of Hamilton
Neighbourhood Location
1988 POPULATION 2530
Land Use
Residential
Single and Double
Attached Housing
Low Density Apartments
Medium Density Apartments
High Density Apartments
Commercial and Apartments
Non-Residential
Commercial
Industrial
Civic and Institutional
Park and Recreational
Open Space
Utilities
Neighbourhood Boundary
Zoning Boundary
Site Plan Control Boundary
GOURLEY
APPROVED PLAN
SUBJECT AREA

MAP 2

21.

FOR ACTION

REPORT TO: SUSAN REEDER SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: August 30, 1990
COMM. FILE:
DEPT. FILE: ZA-90-64
(ZA-87-26)
Butler
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Request for removal of the "H" (Holding Symbol) - 15 Beaverton Drive.

RECOMMENDATION

That approval be given to Zoning Application 90-64, Salci Developments, owner, requesting the removal of the "H" (Holding) symbol provision under Section 35(1) of the Planning Act, and the City Solicitor be directed to prepare a By-law for submission to City Council for the property located at 15 Beaverton Drive, as shown on the attached map marked as APPENDIX "A".

EXPLANATORY NOTE

The purpose of the By-law is to remove the "H" Holding symbol for property located at No. 15 Beaverton Drive, as shown on the attached map. The holding provision was established for this property to prohibit development of the subject lands until such time as municipal services are available and a draft plan of subdivision has been approved by the Regional Municipality of Hamilton-Wentworth. In this regard, the draft plan of subdivision was approved in February of 1990. Arrangements for servicing will be completed prior to the final registration of the subdivision under the requirements of the draft plan approval.

The effect of the By-law is to permit the future development of the subject lands for fifteen small lot-single family dwellings.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

pr J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

o By-law 87-184

City Council, at its meeting of June 23, 1987, passed this By-law to rezone the subject property from "AA" (Agricultural) District to "R-4" - H (Small Lot Single-Family Detached - Holding) District for Block "1" and from "C" (Urban Protected Residential, etc.) District to "R-4" - H (Small Lot Single-Family Detached - Holding) District for Block "2" (see APPENDIX "B") subject to the following special requirement:

"a) upon installation of all such municipal sewers as the City deems necessary and the approval of a draft plan of subdivision, the "H" symbol shall be removed by amendment to this By-law and the development of the lands comprised in Blocks 1 and 2 may proceed in accordance with the "R-4" district provisions."

This By-law came into effect on July 28, 1987.

COMMENTS RECEIVED

o The Hamilton-Wentworth Engineering Department has advised that:

"There is an existing watermain in Beaverton Drive to service the subject lands. The storm and sanitary sewers will be provided for under a previously approved draft plan of subdivision."

COMMENTS

1. The removal of the "H" holding symbol can be supported for the following reasons:

   i) the draft plan of subdivision was approved on February 22, 1990;

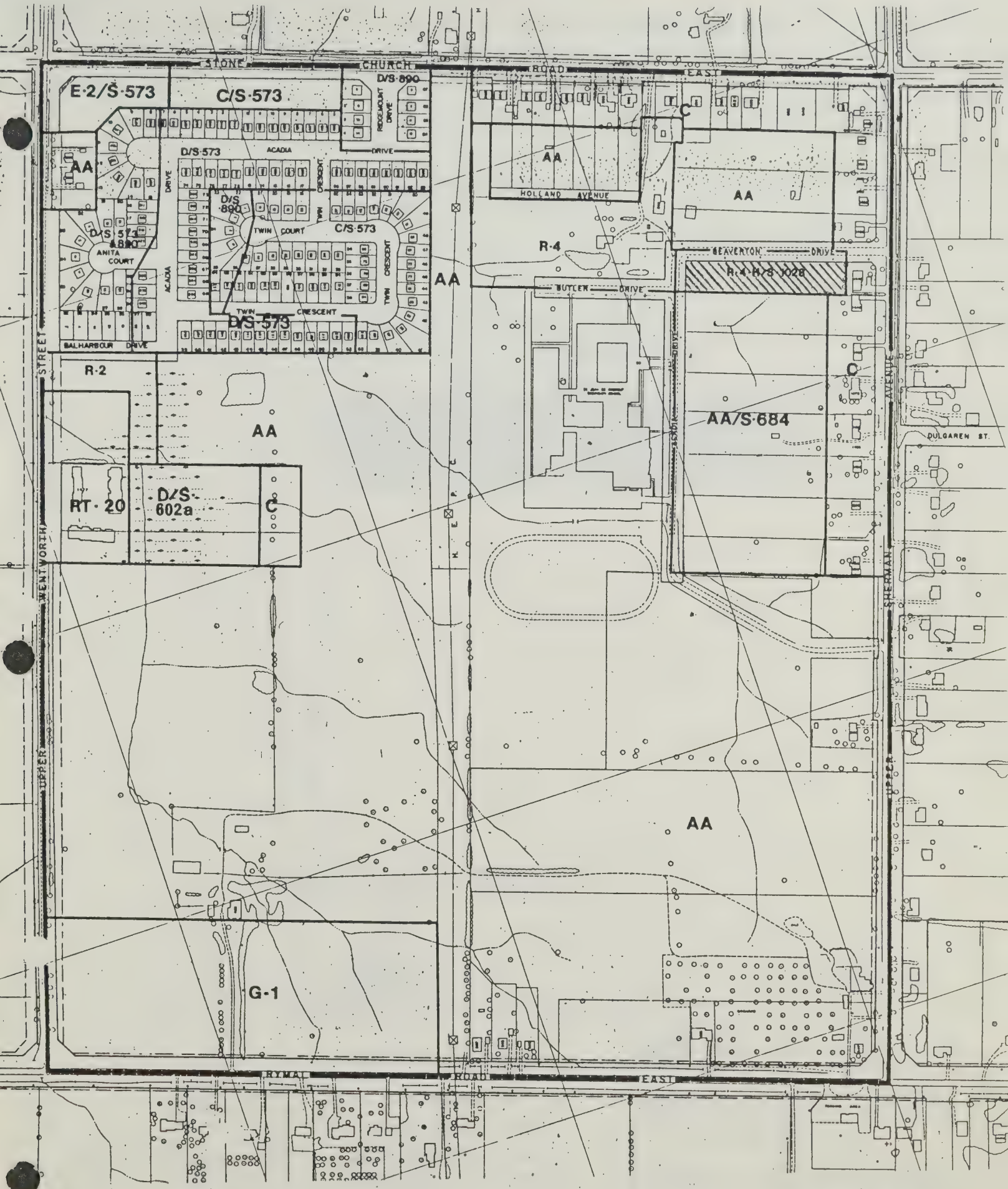
   ii) a condition of draft plan approval prohibits final registration of the subdivision until such time as storm and sanitary sewers are available to service the subject lands. In this regard, development of the lands cannot proceed until such time as servicing is available; and

iii) the Engineering Department has advised that there is an existing watermain to serve the subject lands. Arrangements for the remaining servicing of the lands (storm and sanitary sewers) have been provided for under the draft plan of subdivision.

CONCLUSION

On the basis of the foregoing, the application can be supported.

MLT/ma
WPZA9064



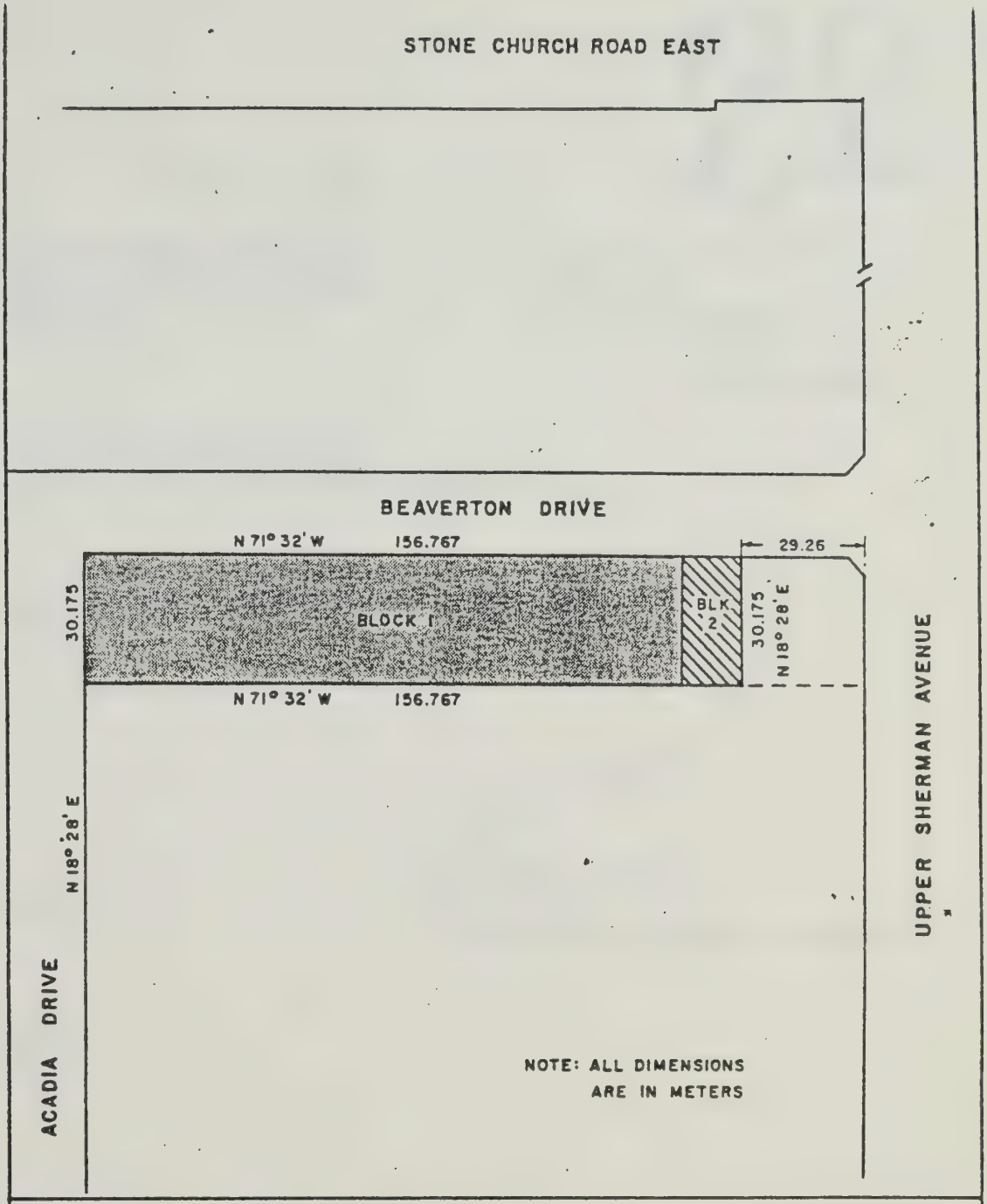
LEGEND.

SITE OF THE APPLICATION.

APPENDIX A

0 100m
SCALE 50m
NORTH

PLANNING UNIT NO.		PAGE NO.
7506	24-90-64	19



THIS IS SCHEDULE "A" TO BY-LAW NO. 87-184
PASSED THE 23rd DAY OF June, 1987

Deputy Clerk

Mayor

CITY OF HAMILTON

SCHEDULE "A"

MAP FORMING PART OF

BY-LAW NO. 87-184

TO AMEND BY-LAW NO. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

BLOCK 1 — CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT TO "R-4"-H (SMALL LOT SINGLE-FAMILY DETACHED) DISTRICT.

BLOCK 2 — CHANGE IN ZONING FROM "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT TO "R-4"-H (SMALL LOT SINGLE-FAMILY DETACHED) DISTRICT.

North	Scale	Reference File No.
	NOT TO SCALE	ZA-87-26
	Date	Drawing No.
	MAY 27, 1987	10

APPENDIX B

22.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
PLANNING AND DEVELOPMENT
COMMITTEE

DATE: September 11, 1990
COMM. FILE:
DEPT. FILE: ZA-90-60
Stipeley
Neighbourhood

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT

Request for direction - Zoning Application 90-60 for 73 Garfield Avenue South.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

per J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

FINANCIAL IMPLICATIONS

N/A

BACKGROUND

- Zoning Application 90-28 - 73 Garfield Avenue South

  At its meeting of May 23, 1990, the Planning and Development Committee denied this application, which was a request for a modification to the established "C" (Urban Protected Residential, etc.) District regulations to permit conversion of the former CKOC Building to eighteen condominium apartments. The Committee also denied an amended application, as recommended by staff, to permit fourteen condominium apartments within the existing building only (see attached resolution).

  City Council, at its meeting of May 29, 1990, adopted the recommendations of the Planning and Development Committee.

- Zoning Application 90-60 - 73 Garfield Avenue South

This application was submitted by Alfrin Enterprises Corporation (who was also the applicant for ZA-90-28) for a modification to the established "C" (Urban Protected Residential, etc.) District to permit fourteen condominium apartments within the former CKOC building. The previous application was a request for eighteen units within the existing building.

It has been the practice of the Planning and Development Committee to require a passage of one year between applications for the same property unless there is a material change between the applications. While the first application was a request for eighteen units and the current application is requesting fourteen units, the Planning and Development Committee did address development of the building for fourteen units at its meeting of May 29, 1990. Accordingly, it is appropriate that the Planning and Development Committee provide direction to staff as to whether or not they wish to proceed with the application and hold another public meeting regarding the conversion of this property for residential use.

MLT/ma
WPZA9060

Amended Zoning Application 90-28 - 73 Garfield Avenue South.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 May 16, respecting an amended Zoning Application 90-28, for property at 73 Garfield Avenue South.

Report of the circularization was given as follows:

336 notices sent 9 in favour 23 opposed

The Committee was in receipt of a Letter of Opposition from Mr. & Mrs. Mark Daniels, 43 Garfield Avenue South.

Mr. Martiniuk, 88 Garfield South spoke in opposition to this application. He indicated that parking is very scarce in the area already and that approval of this application would impact adversely on the neighbourhood. He also expressed concerns that many people who own homes in the area are not tenants and that the neighbourhood is deteriorating because of these absent landlords.

The owner of property at 71 Garfield Avenue South spoke in opposition to the application and indicated that if the application was approved a parking impact would be felt by the neighbourhood.

Mr. Daniels, 43 Garfield Avenue South also spoke in opposition to the application and sited the parking impact problem.

The owner of property at 93 Garfield Avenue South also spoke in opposition to the application with respect to the parking impact.

The owner of property at 73 Garfield Avenue South spoke in opposition to the application. She indicated that she has 4 small children and that up until now the area has been fairly quiet.

Mr. Lindsay, 69 Garfield Avenue South spoke in opposition to the application and indicated that he moved into the area because it was a quiet neighbourhood.

The owner of property at 15 Garfield Avenue South spoke in opposition to the application and indicated that the current owners of the building, C.K.O.C., conducted business during the day and that this did not impact on their parking at night time.

The owner of property at 71 Garfield Avenue South spoke in opposition to the application and expressed concern that approval of the application would provide too much density in the area and questioned where her children would play.

The owner of property at 94 Garfield Avenue South spoke in opposition to the application and expressed concerns that the area was too dense already.

The Solicitor for Alfrin Enterprises Corporation, prospective owner of the property spoke to the Committee and indicated that the proposal before the Committee is much less dense than what the building could tolerate. He also added that the building has always been out of step with the residential area and he indicated that the residents of the building could be relying on public transit because of the availability of such.

Mr. Frisina, prospective owner of the property spoke to the Committee and indicated that he feels his development will improve the neighbourhood. He also added that the C.K.O.C. traffic was more than estimated since approximately 75 to 100 people worked in the building. He also added that he is not committed to the property since he is only a prospective owner.

The Committee then discussed this matter and it was moved by Alderman Drury, seconded by Alderman Kiss to DENY all 18 units as recommended by staff in their report.

MOTION CARRIED.

It was then moved by Alderman Drury, seconded by Alderman Kiss to DENY the amended recommendation of 14 units as recommended by staff.

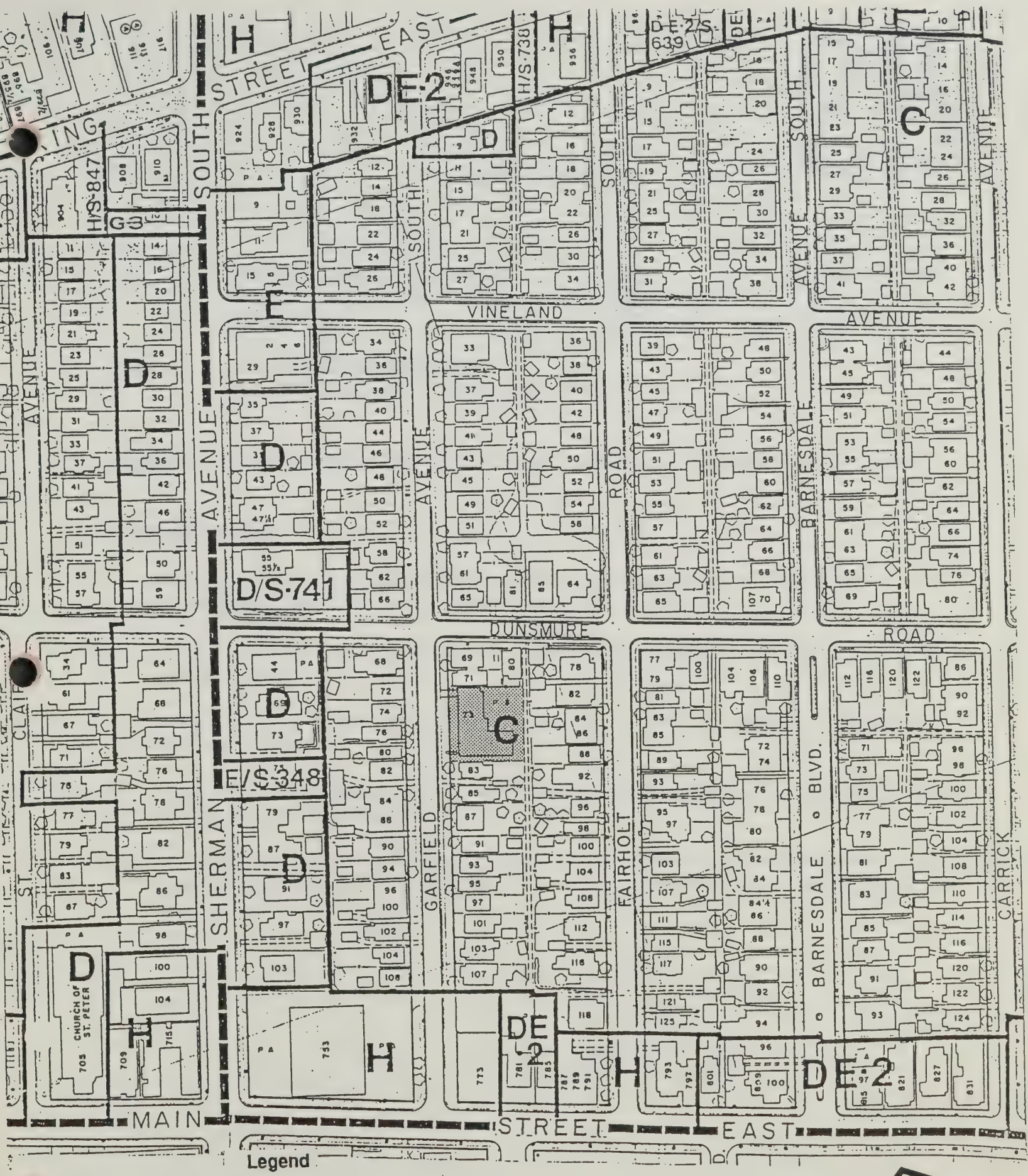
MOTION CARRIED.

The denial of this application was presented to City Council as follows:

That amended Zoning Application 90-28, Alfrin Enterprises Corporation (D. Frisina), prospective owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District, to convert the existing building to eighteen units (condominiums or apartments), for property located at 73 Garfield Avenue South as shown on the attached map marked as Appendix "E", be DENIED for the following reasons:

(a) The proposal represents an overintensification of land use in that only fourteen parking spaces can be provided on site whereas twenty-three parking spaces are required; and,

(b) The traffic generated from the eighteen units (proposed density) will create a spillover effect in the neighbourhood (increased requirements for on-street parking) which is undesirable and would negatively affect the quality of the residential environment.



Legend

Site of the Application

ZA 90-60

23.

FOR ACTION

TO:	SUSAN K. REEDER, SECRETARY PLANNING AND DEVELOPMENT COMMITTEE	**DATE:** **COMM FILE:** **DEPT FILE:**	September 13, 1990 R.P.L.C. No. 67

FROM: J. D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: By-law to remove part-lot control from Lots 4 and 5, Registered Plan No. 1059.

RECOMMENDATION:

1. That the City Solicitor be directed to prepare a by-law to remove part-lot control from Lots 4 and 5, Registered Plan No. 1059, for presentation to City Council.

   That the by-law take effect on the date of approval by the Regional Municipality of Hamilton-Wentworth; and,

   That the by-law continue in force for a term not to exceed 6 months from the date of its registration.

2. That the Region be requested to approve the by-law removing part-lot control on the above-noted Lots 4 and 5 of Registered Plan No. 1059.

3. That upon the fulfilment of the above condition and within 6 months of registration of the by-law, the City Solicitor prepare a repealing by-law to reinstate part-lot control on the subject property, for presentation to City Council.

A. L. Georgieff, M.C.I.P.
Director - Local Planning

FINANCIAL IMPLICATIONS: N/A

BACKGROUND:

Owner:

R. Shelley Construction Ltd., Hamilton, Ontario

Surveyor:

A. J. Clarke and Associates Ltd., Hamilton, Ontario

Location:

The lands are located on Rexford Drive north of Stone Church Road East, east of Alconbury Drive and west of Rondeau Street in the Randall Neighbourhood, City of Hamilton.

Proposal:

The applicant wishes to establish small size lots by adding part of Lots 4 and 5 of Registered Plan 1059 (being parts 6 to 10 of Reference Plan 62R-10203) to Blocks "10" to 14" of Registered Plan 62M-657 inclusive.

The proposed division of land by a part-lot control by-law is in accordance with Condition j) of the draft approved plan for "Randall Estates - Phase 4", as approved by Regional Council on August 20, 1985, revised by Regional Council on March 15, 1988, which reads as follows:

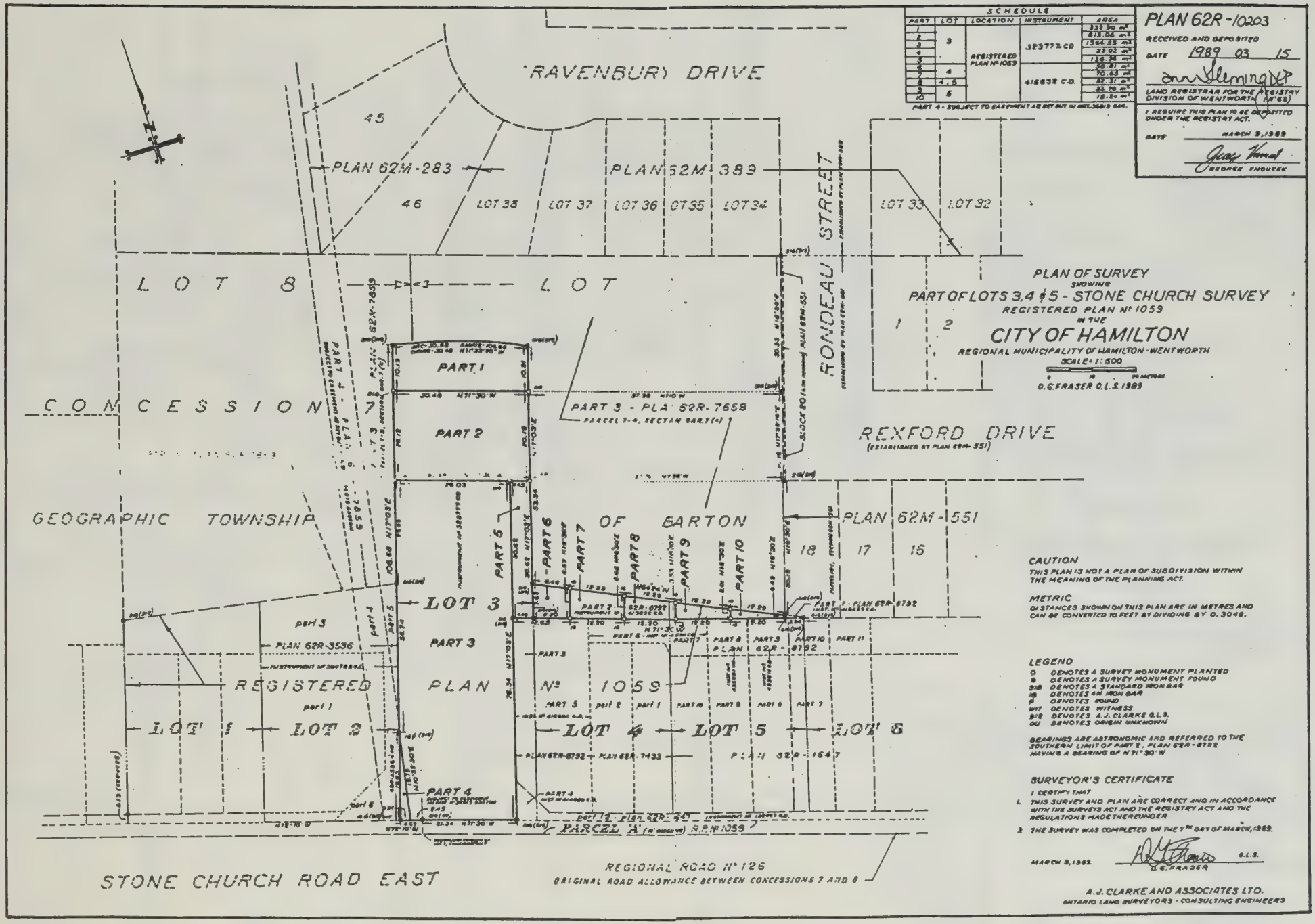
"That Blocks "55" to "57" inclusive be developed only in conjunction with abutting lands and Block "54" be developed by a part-lot control by-law in conjunction with abutting lands".

COMMENTS:

Removal of "part-lot control" is a measure provided under The Planning Act expressly to permit the establishment of minor divisions of land without having to obtain approval of each individual parcel by the Land Division Committee, thereby eliminating the need for a number of separate applications.

Once the reference plan showing the minor divisions has been registered and the deeds for the lots are registered with the adjoining property owners, part-lot control should be re-established. The Planning Act allows the City of Hamilton to repeal "part-lot control" by-laws without further approval of the Regional Council.

Both the by-law to remove "part-lot control" and the repealing by-law must be registered by the City Clerk in the Land Titles Office.


PLAN 62R-10203
RECEIVED AND DEPOSITED
DATE 1989 03 15
LAND REGISTRAR FOR THE REGISTRY DIVISION OF WENTWORTH (No. 62)
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE REGISTRY ACT.
DATE MARCH 3, 1989
GEORGE FINUCER
SCHEDULE
PART | LOT | LOCATION | INSTRUMENT | AREA
1 | 3 | REGISTERED PLAN No 1059 | 383772 C.D. | 838.50 m²
2 | | | | 813.06 m²
3 | | | | 1364.23 m²
4 | | | | 23.02 m²
5 | | | | 136.34 m²
6 | 4 | | 415632 C.D. | 56.81 m²
7 | | | | 70.63 m²
8 | 4, 5 | | | 33.31 m²
9 | 5 | | | 33.78 m²
10 | | | | 18.24 m²
PART 4 - SUBJECT TO EASEMENT AS SET OUT IN INST. 36613 G.W.
RAVENBURY DRIVE
PLAN 62M-283
PLAN 62M-389
RONDEAU STREET
LOT 8
LOT
CONCESSION 7
GEOGRAPHIC TOWNSHIP OF BARTON
PART 1
PART 2
PART 3 - PLAN 62R-7659
PARCEL 1-4, SECTION 62R-7(c)
REXFORD DRIVE
(ESTABLISHED BY PLAN 62M-551)
PLAN 62M-551
LOT 3
PART 3
PART 4
PART 5
PART 6
PART 7
PART 8
PART 9
PART 10
PLAN 62R-8792
PLAN 62R-3596
REGISTERED PLAN No 1059
LOT 1
LOT 2
LOT 4
LOT 5
LOT 6
PARCEL 'A' R.P. No 1059
STONE CHURCH ROAD EAST
REGIONAL ROAD No 126
ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 7 AND 8
PLAN OF SURVEY
SHOWING
PART OF LOTS 3, 4 & 5 - STONE CHURCH SURVEY
REGISTERED PLAN No 1059
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
SCALE - 1:500
D.G. FRASER O.L.S. 1989
CAUTION
THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.
METRIC
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
LEGEND
DENOTES A SURVEY MONUMENT PLANTED
DENOTES A SURVEY MONUMENT FOUND
DENOTES A STANDARD IRON BAR
DENOTES AN IRON BAR
DENOTES ROUND
WIT DENOTES WITNESS
AJC DENOTES A.J. CLARKE O.L.S.
OU DENOTES ORIGIN UNKNOWN
BEARINGS ARE ASTRONOMIC AND REFERRED TO THE SOUTHERN LIMIT OF PART 2, PLAN 62R-8792 HAVING A BEARING OF N 71°30' W
SURVEYOR'S CERTIFICATE
I CERTIFY THAT
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER
2. THE SURVEY WAS COMPLETED ON THE 7TH DAY OF MARCH, 1989.
MARCH 3, 1989
D.G. FRASER O.L.S.
A.J. CLARKE AND ASSOCIATES LTD.
ONTARIO LAND SURVEYORS - CONSULTING ENGINEERS

M-657

25T-85005

Metric: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

APPROVED UNDER SECTION 50 OF THE PLANNING ACT, BY THE COMMISSIONER OF PLANNING AND DEVELOPMENT OF THE REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH THIS 25th DAY OF April, 1990

COMMISSIONER OF PLANNING AND DEVELOPMENT
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
AUTHORIZED BY BY-LAW Nº R83-171

PLAN 62M-657

I CERTIFY THAT THIS PLAN 62M-657 IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF WENTWORTH AT 9:56 A O'CLOCK ON THE 18 DAY OF MAY, 1989 AND ENTERED IN THE REGISTER FOR PARCEL PLAN-1, SECTION 62M-657 AND REQUIRED CONSENTS AND AFFIDAVITS ARE REGISTERED AS PLAN DOCUMENT Nº 379592 LT.

C. Ollcoati
LAND REGISTRAR

THIS PLAN COMPRISES PART OF PARCEL 7-4, SECTION BAR. 7 (c)

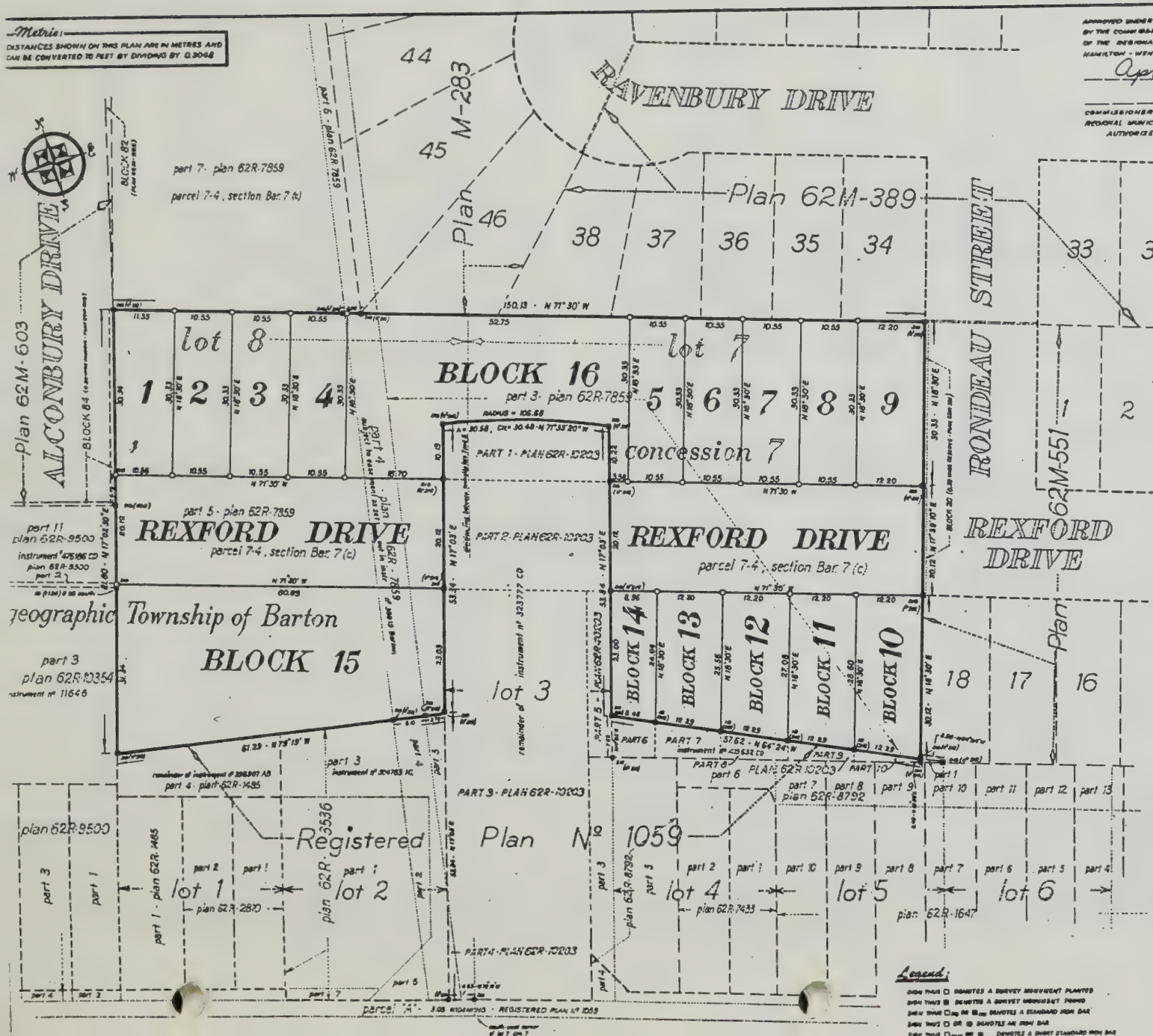
SUBJECT TO AN EASEMENT OVER PART OF LOTS 6, PART OF BLOCKS 13 & 16 AND OVER PART OF REXFORD DRIVE AS SET OUT IN INSTRUMENT Nº 3689 BARTON

PLAN OF Randall Estates Phase Six

BEING A SUBDIVISION OF:
PARTS OF LOTS 7 AND 8 - CONCESSION 7
GEOGRAPHIC TOWNSHIP OF BARTON
NOW IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:500

A.J. Clarke O.L.S. 1989



Owner's Certificate:

THIS IS TO CERTIFY:

1. LOTS 1 TO 8 (BOTH INCLUSIVE), BLOCKS 10 TO 16 (BOTH INCLUSIVE) AND THE STREET NAMELY REXFORD DRIVE HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS.
2. THE STREET IS HEREBY DEDICATED AS A PUBLIC HIGHWAY TO THE CORPORATION OF THE CITY OF HAMILTON

DATED THE 1st DAY OF MAY, 1989

ROBERT SHELLEY CONSTRUCTION LIMITED
ROBERT S. SHELLEY - PRESIDENT
I have the authority to bind the Corporation

SUNSHINE CONSTRUCTION INC.
FRANK VIRACH - PRESIDENT
I have the authority to bind the Corporation

DICENZO CONSTRUCTION COMPANY LIMITED
ANTONIO DI CENZO - PRESIDENT
I have the authority to bind the Corporation

Surveyor's Certificate:

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER.
2. THE SURVEY WAS COMPLETED ON THE 1st DAY OF MAY, 1989.

MAY 1, 1989
DATE

A.J. CLARKE
ONTARIO LAND SURVEYOR

Legend:

SHOW THUS ○ DENOTES A SURVEY MONUMENT PLANTED
SHOW THUS ● DENOTES A SURVEY MONUMENT FOUND
SHOW THUS ○ OR ● DENOTES A STANDARD IRON BAR
SHOW THUS ○ OR ● DENOTES AN IRON BAR
SHOW THUS ○ OR ● DENOTES A SHORT STANDARD IRON BAR

24.

FOR ACTION

REPORT TO: SUSAN REEDER, SECRETARY
OF THE PLANNING AND
AND DEVELOPMENT COMMITTEE

DATE: September 11, 1990
COMM. FILE:
DEPT. FILE: DA-90-64
Rymal
Neighbourhood
(DA-89-15)

SEP 13 1990

FROM: J.D. THOMS, COMMISSIONER
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT:

Site Plan Control Application DA-90-64 to amend DA-89-15 for the relocation of a pylon sign at 205 Nebo Road.

RECOMMENDATION

That Site Plan Control Application DA-90-64 to amend DA-89-15 by Luigi & Maria Delsordo, owners of lands known as 205 Nebo Road for a pylon sign be **DENIED** for the following reasons:

i) the proposed 3.048 m setback is contrary to the 5.4 m minimum setback required for pylon signs within the M-14 zoning district along Nebo Road; and furthermore,

ii) approval of the proposed setback would set an undesirable precedent for future applications requesting reduced setbacks along Nebo Road and within the industrial area.

A.L. Georgieff, M.C.I.P.
Director of Local Planning

per J.D. Thoms, M.C.I.P.
Commissioner
Planning and Development Department

BACKGROUND

Plans have been submitted for a tenant identification pylon sign at 205 Nebo Road. The sign is proposed within the required 6.0 m minimum landscape area, approximately 3.048 m from the front lot line, along Nebo Road. Two additional parking spaces have been added to the Front Parking Area to replace a landscape area. The revised location of the sign is necessary due to rock substructure in the area.

COMMENTS RECEIVED

The Hamilton-Wentworth Engineering Department has advised that the relocation of the pylon, as shown does not appear to affect the original approved grading plan.

The Building Department has advised that the location of the ground sign/pylon sign does not provide the required 5.4 m minimum setback from the street line.

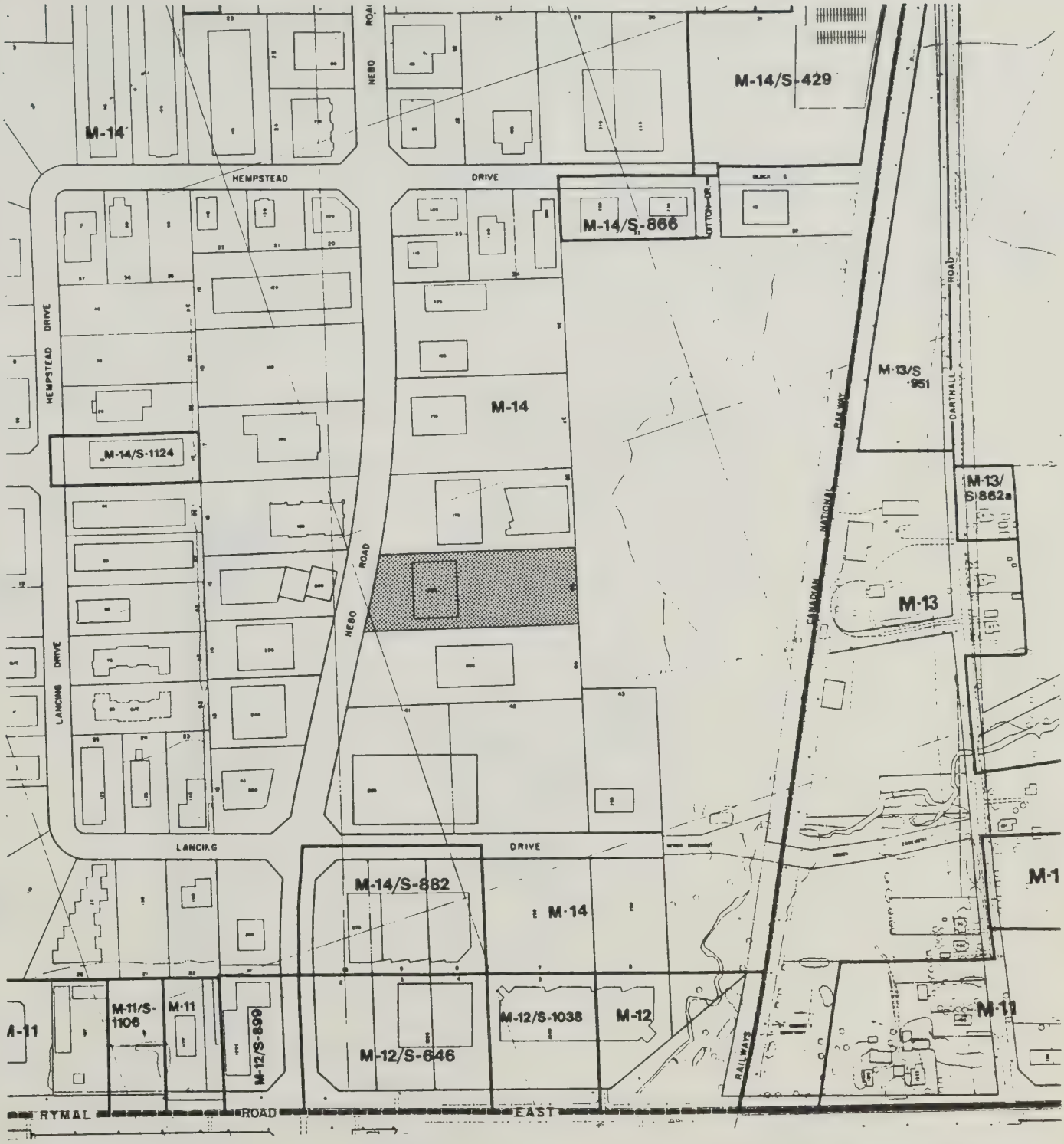
The Traffic Department has reviewed the plan and has found it to be satisfactory.

COMMENTS

This application cannot be supported since the proposed setback of 3.048 m is contrary to the minimum 5.4 m setback required for pylon signs within the M-14 zoning district along Nebo Road; and furthermore, approval of the proposed setback would set an undesirable precedent for future pylon sign applications requesting reduced setbacks along Nebo Road.

The proposed ground sign for the subject property was accommodated on the original approved plans of Site Plan Control Application DA-89-15 and provided the required setback from the front lot line. The deleted landscape island area should be retained to provide traffic circulation control, a location for the ground sign and a landscape buffer area. Alternate construction techniques should be examined for the pylon sign to accommodate subsurface conditions in a location which complies with by-law requirements.

JL/ma
WPDA9064



RYMAL No. 120 **HANNON NORTH No. 62**

City of Hamilton

Plan Showing
Lands Subject to

Site Plan Control Application DA-90-64

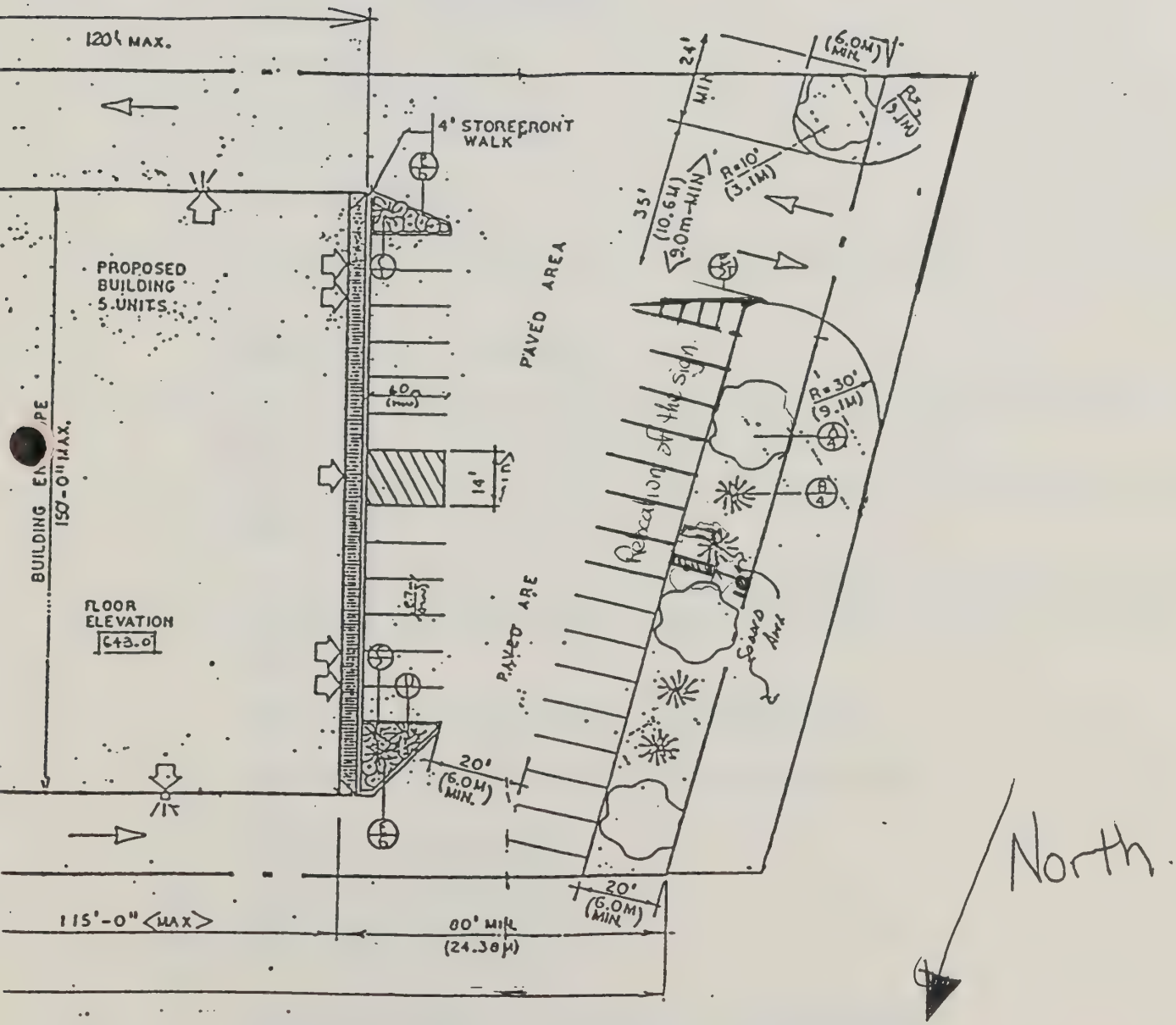
Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Site of the Application

North	Scale	Reference File No.
	1:5000	DA-90-64
	Date	Drawn By
	JULY 19, 1990	W. J. S.

PLOT PLAN O
205 NEBO ROAD



PLANNING AND DEVELOPMENT COMMITTEE
1990 SEPTEMBER 19

CONSENT AGENDA

ADOPTION OF THE MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE:

A. Minutes of the Joint Meeting of the Planning and Development Committee and the Transport and Environment Committee held Wednesday, 1990 August 22nd.

BUILDING COMMISSIONER

B. 250 MacNab Street North
C. 982 Concession Street
D. 315 Caroline Street South

CITY TREASURER

E. Final Release of Holdback - Delmar Contracting Limited - James Street North Streetscape.

DIRECTOR OF PROPERTY

F. Release of Building Covenants - Fifty Yonge Street South Inc. - 85 Burford Road, Part of Lot 1, Grayside Industrial Estate No. 1, Plan 1382.

G. Release of Building Covenants - G.N.A.F. Land Group Inc. - 1124 and 1136 Rymal Road East.

H. Extension of Commencement and Completion Dates of Construction - Hamilton Mountain Industrial Park No. 1, Plan M-227 - City Sale of Lot 18, Nebo Road (No. 140).

DIRECTOR OF COMMUNITY DEVELOPMENT

Applications - City of Hamilton Heritage Programme

I. 221 Ferguson Avenue South
J. 219 Ferguson Avenue South
K. 223 Ferguson Avenue South
L. 225 Ferguson Avenue South
M. 227 Ferguson Avenue South

CITY SOLICITOR AND BUILDING COMMISSIONER

N. Building Code Prosecution: Gino Toscani and Toscani Development Limited.

Wednesday, August 22, 1990
9:00 o'clock a.m.
Room 233, City Hall

A.

The Planning and Development and Transport and Environment Committees met in special session.

There were present:

Alderman J. Smith, Chairman of the Meeting and Planning and Development Committee
Alderman H. Merling, Chairman, Transport and Environment Committee
Alderman F. Lombardo, Vice-Chairman, Planning and Development Committee
Alderman D. Christopherson, Vice-Chairman, Transport and Environment Committee
Mayor R. M. Morrow
Alderman Wm. M. McCulloch, Planning and Development Committee
Alderman M. Kiss, Planning and Development Committee
Alderman D. Drury, Transport and Environment Committee
Alderman D. Agostino, Transport and Environment Committee
Alderman T. Murray, Transport and Environment Committee

Absent:

Alderman D. Ross, Vacation, Planning and Development Committee
Alderman T. Cooke, Transport and Environment Committee
Alderman V. J. Agro, Planning and Development Committee

Also present:

Alderman J. Gallagher
Mr. I. Binnie, City's Counsel on Harbour matters
Mr. L. Sage, Chief Administrative Officer
Ms. P. Noé Johnson, City Solicitor
Mr. B. Loreto, City Solicitor's Office
Mr. A. Georgieff, Director of Local Planning
Mr. P. Mallard, Planning and Development Department
Mr. B. Janssen, Planning and Development Department
Mr. L. King, Building Commissioner
Mr. P. Lampman, Building Department
Mr. B. Allick, Building Department
Mr. R. Doucette, Building Department
Mr. G. Aston, Regional Engineering Department
Mr. P. Campea, Regional Engineering Department
Mr. K. Brenner, Regional Engineering Department
Mr. T. Engelbrecht, Regional Engineering Department
Mr. J. Pavelka, Director of Public Works
Mr. R. Karl, Traffic Department
Mrs. Susan K. Reeder, Secretary, Planning and Development Committee
Miss T. Agnello, Secretary, Transport and Environment Committee

1. APPOINTMENT OF CHAIRMAN

Alderman Smith was appointed Chairman of this joint meeting.

2. MEETING IN CLOSED SESSION

The Committee adjourned in-camera to hear from Mr. Ian Binnie, City's Counsel respecting Harbour matters, regarding correspondence received from the Hamilton Harbour Commissioners dated July 27, 1990 on the subject of the Windermere Basin and reconvened immediately thereafter.

The Joint Committee recommended to City Council the following:

That the Region/City approve the additional financial contribution in the amount of $106,675.10 (each) subject to the following:

(a) That the Hamilton Harbour Commissioners administer the funds pursuant to the Windermere Basin Trust Agreement dated the 26th day of May 1988;

(b) That the Hamilton Harbour Commissioners and the Region/City agree on a process for land use determination of Windermere Basin and the Harbour;

(c) That the Hamilton Harbour Commissioners transfer to the Region/City a minimum of 5% of land in the Windermere Basin for parkland dedication (or equivalent satisfactory to the Region/City recognizing development and maintenance and further Landscaping plans set out in the Windermere Basin Reclamation Project plans), for parkland or gateway/aesthetic purposes PROVIDED that the interest determined is concurred with by the other funding partners, thereby supporting the intent of the original Funding Agreement; and

(d) That the Hamilton Harbour Commissioners agree to report regularly to the Region/City Councils on the clean-up project of Windermere Basin.

3. SPECIAL MEETING

The Committee also resolved that a special meeting of City Council be held at 6:00 p.m. on Thursday, August 28, 1990 to discuss the conditions with Mr. Binnie.

4. ADJOURNMENT

There being no further business, the Joint Committee adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

Susan K. Reeder, Secretary
Planning and Development Committee

Tina Agnello, Secretary
Transport and Environment Committee

August 22, 1990

Typed by M. J. Walton

B.

CITY OF HAMILTON

— RECOMMENDATION —

DATE: 1990 September 11

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
250 MacNab Street North - Tag Number 80422

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for the above noted property.

Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "D" Zoning District (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: Two (2) storey wood frame insul brick dwelling measuring 27' x 18'

It is the intention of the owner, because of the fire damage to the building on February 9, 1990, to demolish the existing single family dwelling and to erect a new single family dwelling. Lot size 29.53' x 120.00'.

The owner of the property as per the demolition permit is:

Mr. C.M. Musitano
48 Colbourne Street
Hamilton, Ontario L8R 2G5
Telephone Number: 525-0783

C.

CITY OF HAMILTON

— RECOMMENDATION —

DATE: 1990 September 11

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
982 Concession Street - Tag Number 80463

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for the above noted property.

Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "B" Zoning District (Suburban Agriculture & Residential etc.)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: One (1) storey wood frame stucco dwelling measuring 26' x 45'

It is the intention of the owner to demolish the existing single family dwelling and erect a new single family dwelling. Lot size 71.25' x 300.00'.

The owner of the property as per the demolition permit application is:

Marisa Demutis
464 Upper Ottawa Street
Hamilton, Ontario L8P 3T2
Telephone Number: 385-0810

CITY OF HAMILTON

— RECOMMENDATION —

D.

DATE: 1990 September 11

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. L. C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
315 Caroline Street South - Tag Number 80518

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for the above noted property.

Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "D" Zoning District (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: Two (2) storey double brick dwelling measuring 34' x 19'-6"

It is the intention of the owner to demolish the existing single family dwelling and erect a new single family dwelling. Lot size 50.00' x 110.00'. The dwelling is of interest to LACAC. Upon conversations with LACAC they have no objection with approving demolition of this dwelling. It should be noted that an application for a building permit for the new single family dwelling has been received by this Department and can be issued when a demolition permit is issued.

The owner of the property as per the demolition permit application is:

Jerry LoPresti
319 Caroline Street South
Hamilton, Ontario L8P 3H2
Telephone Number: 521-8766

E.

CITY OF HAMILTON

— RECOMMENDATION —

DATE: 1990 September 12

SEP 1 2 1990

REPORT TO: Mrs. Susan Reeder, Secretary
Planning and Development Committee

FROM: Mr. E. C. Matthews
Treasurer

SUBJECT: FINAL RELEASE OF HOLDBACK

RECOMMENDATION:

That holdback in the amount of $13,855.11 be released to Delmar Contracting Limited for the completion of the contract, P.O. 31234, for the Downtown Hamilton Action Plan - Phase V (James Street North Streetscape), pending receipt by the Treasury of the Standard Release Forms from the contractor and City Solicitor's Department.

Roy Hammond

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Contractor is entitled to release of holdback on the 46th day after total completion.

BACKGROUND:

The contract was approved by Council May 10, 1988 in the amount of $1,457,059.00. It was increased November 27, 1989 under P.O. for $52,976.06 for an overall total of $1,510,035.06. The project was totally performed as of October 10, 1989 for a completion cost of $1,506,788.59. The 45 day lien period has expired and I am recommending release of the holdback at this time pending receipt by Treasury of the necessary release forms from the contractor and City Solicitors.

F.

CITY OF HAMILTON

— RECOMMENDATION —

DATE: 1990 September 11

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

DEPT FILE: (4504)

SEP 1 1 1990

SUBJECT: **Release of Building Covenants - Fifty Yonge Street South Inc. - 85 Burford Road, Part of Lot 1, Grayside Industrial Estate No. 1, Plan 1382**

RECOMMENDATION:

That the City Solicitor be authorized to prepare the necessary Release Agreement from the City of Hamilton to the present owner, Fifty Yonge Street South Inc. of 85 Burford Road, Hamilton, Ontario to release the property from the construction covenants to the City as contained in Deed Instrument #180981 A.B. and 180982 A.B. Registered on September 11, 1970.

D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The City of Hamilton in September of 1970 sold 1.5736 acres of Industrial land on Burford Road to Louis Filo (180981 A.B.). In addition, the City sold 1.48 acres to Wesco Construction Ltd. (180982 A.B.). The aforementioned companies were each required to build a 15,000 square foot industrial building by September of 1971. The proposed buildings are completed.

This department supports the request of the owners that the City of Hamilton release the construction covenants in the deeds number 180981 A.B. and 180982 A.B. in order to clear the title.

All the covenants as noted above have been fulfilled.

Attach.
c.c. - Mrs. P. Noé Johnson, City Solicitor

CITY OF HAMILTON

— RECOMMENDATION —

G.

DATE: 1990 September 12

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

SEP 12 1990

FROM: Mr. D. W. Vyce
Director of Property

DEPT FILE: 20.1.261
(4504)

SUBJECT: **Release of Building Covenants - G.N.A.F. Land Group Inc. - 1124 & 1136 Rymal Road East, Lots 2 and 3, Plan M-352**

RECOMMENDATION:

That the City Solicitor be authorized to prepare the necessary Release Agreement from the City of Hamilton to the present owner, G.N.A.F. Land Group Inc. of 1124 and 1136 Rymal Road East, Hamilton, Ontario to release the property from the construction covenants to the City as contained in Deed Instrument #202643 L.T. and 212805 L.T. Registered on June 18, 1987 and November 9, 1987 respectively.

D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The City of Hamilton in June and November of 1987 sold 2.06 acres of Industrial land on Rymal Road to G.N.A.F. Land Group Inc. (212804 L.T. and 202642 L.T.). The aforementioned company was required to build an industrial building totalling 10,000 square feet on site. The proposed building is completed.

This department supports the request of the owner that the City of Hamilton release the construction covenants in the deeds number 202643 L.T. and 212805 L.T. in order to clear the title.

All the covenants as noted above have been fulfilled.

c.c. - Mrs. P. Noé Johnson, City Solicitor

CITY OF HAMILTON

— RECOMMENDATION —

H.

DATE: 1990 September 12

SEP 12 1990

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. D. W. Vyce
Director of Property

DEPT FILE: 20.1.283
(2738)

SUBJECT: **Extension of Commencement and Completion Dates of Construction - Hamilton Mountain Industrial Park No. 1, Plan M-227 City Sale of Lot 18, Nebo Road (No. 140)**

RECOMMENDATION:

That the Offer to Purchase the lands of the Corporation of the City of Hamilton, being composed of Lot 18, Plan M-227, duly executed on August 23, 1989 by the purchasers Allan Michaels Electric Ltd., and approved by City Council on September 26, 1989, Item 8 of the 21st Report of the Planning and Development Committee, be amended as follows:

(a) that the commencement of construction date be extended from September 12, 1990 to March 12, 1991.

(b) that the completion of construction date be extended from September 12, 1991 to December 31, 1991.

(c) that all other terms and conditions of the agreement shall remain the same and time is of the essence.

D. W. Vyce

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

This department has received a request from Mr. Carlo Ricciuti, solicitor for the owners, advising that his clients have encountered certain difficulties with rock deposits on the land and as a result, the site plan must be amended. This process will take several months and in view of same, we support this extension.

c.c. - Mrs. P. Noé Johnson, City Solicitor
- Mr. E. C. Matthews, Treasurer
- Mr. R. Douglas, Manager of Field Surveys

FOR ACTION

I.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1990 September 12
DEPT FILE: HERITAGE 73

SUBJECT: City of Hamilton Heritage Programme -
221 Ferguson Avenue South, Hamilton

RECOMMENDATION:

That a repayable loan under the Community Heritage Trust Fund in the amount of two thousand, five hundred and sixty-seven dollars ($2,567.) be approved for Ilze Dreimanis, 221 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

That a Designated Property Grant in the amount of two thousand, five hundred and sixty-eight dollars ($2,568.) be provided to Ilze Dreimanis, 221 Ferguson Avenue South, Hamilton.

E Kowalski

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The Planning and Development Committee in a report dated 1982 December 06, approved the Department of Community Development's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of $10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to $3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council 1990 January 30. The owners of the designated property located at 221 Ferguson Avenue South have applied under the Programme for the restoration of the roof and recapping of its parapet walls.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of K. Haut's estimates.

A Designated Property Grant in the amount of $2,568., and a Community Trust Fund loan in the amount of $2,567. at 6 percent interest be approved. The monthly payments will be $28.50 amortized over 10 years.

The Department of Community Development therefore recommends a total Heritage Loan and Grant in the amount of $5,135.

c.c. R. Camani, Treasury Department

FOR ACTION

J.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1990 September 12
DEPT FILE: HERITAGE 72

SUBJECT: City of Hamilton Heritage Programme -
219 Ferguson Avenue South, Hamilton

RECOMMENDATION:

That a repayable loan under the Community Heritage Trust Fund in the amount of two thousand, six hundred and eighty-four dollars ($2,684.) be approved for Betty Jean Carlyle, 219 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

That a Designated Property Grant in the amount of two thousand, six hundred and eighty-four dollars ($2,684.) be provided to Betty Jean Carlyle, 219 Ferguson Avenue South, Hamilton.

E. Kowalski

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The Planning and Development Committee in a report dated 1982 December 06, approved the Department of Community Development's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of $10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to $3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council 1990 January 30. The owners of the designated property located at 219 Ferguson Avenue South have applied under the Programme for the restoration of the roof and recapping of its parapet walls.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of K. Haut's estimates.

A Designated Property Grant in the amount of $2,568., and a Community Trust Fund loan in the amount of $2,567. at 6 percent interest be approved. The monthly payments will be $28.50 amortized over 10 years.

The Department of Community Development therefore recommends a total Heritage Loan and Grant in the amount of $5,135.

c.c. R. Camani, Treasury Department

FOR ACTION

L.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1990 September 12
DEPT FILE: HERITAGE 70

SUBJECT: City of Hamilton Heritage Programme -
225 Ferguson Avenue South, Hamilton

RECOMMENDATION:

That a repayable loan under the Community Heritage Trust Fund in the amount of two thousand, five hundred and sixty-seven dollars ($2,567.) be approved for Hugh R. Caughey, 225 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

That a Designated Property Grant in the amount of two thousand, five hundred and sixty-eight dollars ($2,568.) be provided to Hugh R. Caughey, 225 Ferguson Avenue South, Hamilton.

E. Kowalski

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The Planning and Development Committee in a report dated 1982 December 06, approved the Department of Community Development's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of $10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to $3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council 1990 January 30. The owners of the designated property located at 225 Ferguson Avenue South have applied under the Programme for the restoration of the roof and recapping of its parapet walls.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of K. Haut's estimates.

A Designated Property Grant in the amount of $2,568., and a Community Trust Fund loan in the amount of $2,567. at 6 percent interest be approved. The monthly payments will be $28.50 amortized over 10 years.

The Department of Community Development therefore recommends a total Heritage Loan and Grant in the amount of $5,135.

c.c. R. Camani, Treasury Department

FOR ACTION

M.

REPORT TO: Mrs. S. Reeder, Secretary
Planning & Development Committee

FROM: Mr. E. W. Kowalski, Director
Community Development Department

DATE: 1990 September 12
DEPT FILE: HERITAGE 71

SUBJECT: City of Hamilton Heritage Programme -
227 Ferguson Avenue South, Hamilton

RECOMMENDATION:

That a repayable loan under the Community Heritage Trust Fund in the amount of two thousand, six hundred and forty-four dollars ($2,644.) be approved for Elaine Elson, 227 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

That a Designated Property Grant in the amount of two thousand, six hundred and forty-four dollars ($2,644.) be provided to Elaine Elson, 227 Ferguson Avenue South, Hamilton.

E. Kowalski

FINANCIAL IMPLICATIONS (N/A):

N/A

BACKGROUND:

The Planning and Development Committee in a report dated 1982 December 06, approved the Department of Community Development's participation in the Provincial Government's Designated Property Grant Programme. The City's Finance Committee also established a clearing amount of $10,000. for the purpose of implementing the Programme. The Province of Ontario as per the terms of the executed agreement, will reimburse the Municipality for funds advanced under the Programme, plus the 10% administration fee.

The terms of the Programme provide the owners of heritage properties with a grant of up to $3,000. or 50% of the cost, whichever is less, for the replacement of the heritage features. The property receiving funds under the Programme must be designated by Council as heritage properties and this was done by Council 1990 January 30. The owners of the designated property located at 227 Ferguson Avenue South have applied under the Programme for the restoration of the roof and recapping of its parapet walls.

As per the terms of the Programme, the Local Architectural Conservation Advisory Committee (L.A.C.A.C.), has reviewed the work to be undertaken, as well as the estimates, and are recommending the acceptance of K. Haut's estimates.

A Designated Property Grant in the amount of $2,644., and a Community Trust Fund loan in the amount of $2,644. at 6 percent interest be approved. The monthly payments will be $28.50 amortized over 10 years.

The Department of Community Development therefore recommends a total Heritage Loan and Grant in the amount of $5,288.

c.c. R. Camani, Treasury Department

N.

CITY OF HAMILTON

- INFORMATION -

DATE: 1990 September 13

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: P. Noé Johnson
City Solicitor

L. King
Building Commissioner

SUBJECT: Building Code Prosecution:
Gino Toscani and Toscani Development Ltd.

BACKGROUND: At the regular meeting of the Planning and Development Committee on November 27, 1989, the Committee requested a report on the above mentioned prosecutions.

DISCUSSION: These matters arose out of the construction in Templemead No. 2 Survey, Phase 7 which had commenced without Building permits. The defendants were Toscani Development Ltd., a local builder and developer and Mr. Gino Toscani the Director of the corporation. The corporation commenced construction of 50 residential structures on Ironwood Crescent and Independence Drive in the City of Hamilton between May 12, 1989 and August 17, 1989.

The Building Department became aware of the construction in the course of routine inspections. On reviewing the files they discovered that no Building permits had been issued for the construction. The Subdivision Agreement for Templemead No. 2, Survey 7 was conditionally approved by Council on June 27, 1989. Toscani Devlopment Ltd., the Subdivider, subsequently met the conditions and the subdivision agreement was registered on title August 10, 1989.

The Building Department issued twenty eight (28) Orders to Comply under Section 5(1) of the Building Code Act for building without a Permit. Subsequently, twenty two (22) Orders to Stop Work were issued. The defendants did not comply with the Stop Work Orders and could not obtain the required Building Permits since there was no Subdivision Agreement in existence at that time.

Mr. G. Toscani, in his capacity as Director had earlier been convicted June 24, 1987 on two charges of failing to comply with a lawful order of a Building Inspector. The fines on conviction were $500.00 for each charge. A further eighteen (18) charges were laid against both Mr. Gino Toscani, personally as Director, and Toscani Development Ltd. in 1988 for building without the required permit and for failure to comply with the Stop Work Orders. Both Defendants plead "Guilty" on January 24, 1989 to these charges, resulting in eight (8) suspended sentences with respect to Gino Toscani, and ten (10) fines of $500.00 each against Toscani Development Ltd.

During the construction of Templemead No. 2 Survey, Phase 7, this Office was requested to seek an injunction against the defendants,Toscani Development Ltd. and Gino Toscani in order to stop construction in Templemead No. 2 Survey, Phase 7 which was commenced without permits. On August 2, 1989, an Application was brought before the Supreme Court of Ontario by the City, to enjoin the defendants, Toscani Development Ltd. and Gino Toscani, personally, from continuing to build the residential structures on Ironwood Crescent and Independence Drive until such time as Building Permits were obtained. The defendants obtained the Building Permits prior to the hearing of the Application. The Office of the City Solicitor did, however, obtain an order for costs in the amount of $1,000.00 and a further $2,688.98 to reimburse the Building Department for their added expenses in dealing with this matter.

In the fall of 1989 one hundred (100) charges, consisting of fifty six (56) charges under Section 5(1) of the Building Code Act for building without a Permit and a further forty four (44) charges for Failure to Comply with Orders to Stop Work, were laid against the same defendants, Mr. Gino Toscani and Toscani Development Ltd. A trial date was set for June 25, 1990. Prior to the hearing of the trial, the Defendants notified the City that they wished to plead "Guilty" to the charges as laid. A "Guilty" plea was heard by a local Justice of the Peace and entered. The total fines levied was in the amount of $50,000.00 against all Defendants. According to the records of this Office, this was the highest total fine levied for a violation of the Building Code Act in this City.

P. Noé Johnson

L. King

Corporation of the City of Hamilton

Memorandum

****

TO: Mr. P. Hooker
Acting City Solicitor
Attention: Ms. L. Lawrence

YOUR FILE:

FROM: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

OUR FILE:
PHONE:

SUBJECT: Pending Court Matter - Developer - Over 100 Summons for Non-Compliance

DATE: 1989 November 27

As you are aware, the Planning and Development Committee at its meeting held Wednesday, 1989 November 15 discussed the situation where developers are building without receiving a building permit first and what action can be taken by the City to ensure their compliance.

During discussion of this matter, it was indicated to the Committee that there is presently a matter before the Courts where a developer will be heard by the court on over 100 summonses for non-compliance. The Committee expressed great concern at this flagrant disregard for City By-laws and requested that the name of the developer be made public.

It was a recommendation of Ms. Lawrence of your department that as this matter was before the Court, that the name of the developer not be revealed. The Committee agreed with this advice but requested that when this matter does go before the Courts that information on this matter be forwarded to members of the Planning and Development Committee for their information.

Accordingly, would you please ensure that the appropriate report on this matter is forwarded to members of the Planning and Development Committee for their information. In accordance with our practice, this information report could be forwarded to myself and I will ensure that members of the Planning and Development Committee receive this information.

Susan K. Reeder.

SKR/mc

cc: - Alderman J. Smith, Chairman
Planning and Development Committee
- Members Planning and Development Committee
- Mr. L. King, Building Commissioner

K.E. AVI
CITY CLE...

J.J. SCHATZ
DEPUTY CITY CLERK

THE CORPORATION OF THE CITY OF HAMILTON

OFFICE OF THE CITY CLERK

TEL: 546-2700
FAX: 546-2095

~~1990 September 24th~~

Mr. E. W. Kowalski, Director of Community Development
Mr. S. Ghanem, Director of Economic Development
Mr. T. Gill, Acting Engineering Commissioner
Attention: Mr. K. Brenner
Mr. M. Main, Director of Traffic Services
Attention: Mr. R. Karl
Ms. Diana Pasko, Planning Department
Mr. E.G. Beres, Regional Assessment Commissioner
Urban Municipal Librarian, Central Library

Attached herewith are the minutes of the Planning and Development and Transport and Environment Committees meeting held Wednesday, 1990 August 22nd.

These minutes were approved by the Planning and Development Committee at its meeting held Wednesday, 1990 September 19th.

Yours very truly,

Susan K. Reeder

Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

Attch's.

c.c.'s
- Manager, C.M.H.C.
- Hamilton & District Chamber of Commerce
  Attention: Kathy Drewitt
- Mr. W. B. O'Brien, Director of Transportation Services, H.S.R.
- Mr. Paul E. Shewfelt, Board of Education
- Mr. Douglas Kelterborn, Board of Education
- Mr. T. Cupido, Superintendent of Plant, Hamilton Separate School Board
- Mr. M. D. Crowley, Southam Communications Ltd.
- Mr. D. Miller, Canada Life, London, Ontario
- Durand Neighbourhood, c/o Ruth Morrison
- Mr. Rob Hager, Research Statistican, Oshawa Foods

Wednesday, August 22, 1990
9:00 o'clock a.m.
Room 233, City Hall

The Planning and Development and Transport and Environment Committees met in special session.

There were present:

Alderman J. Smith, Chairman of the Meeting and Planning and Development Committee
Alderman H. Merling, Chairman, Transport and Environment Committee
Alderman F. Lombardo, Vice-Chairman, Planning and Development Committee
Alderman D. Christopherson, Vice-Chairman, Transport and Environment Committee
Mayor R. M. Morrow
Alderman Wm. M. McCulloch, Planning and Development Committee
Alderman M. Kiss, Planning and Development Committee
Alderman D. Drury, Transport and Environment Committee
Alderman D. Agostino, Transport and Environment Committee
Alderman T. Murray, Transport and Environment Committee
Alderman V. J. Agro, Transport and Environment Committee

Absent:

Alderman D. Ross, Vacation, Planning and Development Committee
Alderman T. Cooke, Transport and Environment Committee

Also present:

Alderman J. Gallagher
Mr. I. Binnie, City's Counsel on Harbour matters
Mr. L. Sage, Chief Administrative Officer
Ms. P. Noé Johnson, City Solicitor
Mr. B. Loreto, City Solicitor's Office
Mr. A. Georgieff, Director of Local Planning
Mr. P. Mallard, Planning and Development Department
Mr. B. Janssen, Planning and Development Department
Mr. L. King, Building Commissioner
Mr. P. Lampman, Building Department
Mr. B. Allick, Building Department
Mr. R. Doucette, Building Department
Mr. G. Aston, Regional Engineering Department
Mr. P. Campea, Regional Engineering Department
Mr. K. Brenner, Regional Engineering Department
Mr. T. Engelbrecht, Regional Engineering Department
Mr. J. Pavelka, Director of Public Works
Mr. R. Karl, Traffic Department
Mrs. Susan K. Reeder, Secretary, Planning and Development Committee
Miss T. Agnello, Secretary, Transport and Environment Committee

1. APPOINTMENT OF CHAIRMAN

Alderman Smith was appointed Chairman of this joint meeting.

2. MEETING IN CLOSED SESSION

The Committee adjourned in-camera to hear from Mr. Ian Binnie, City's Counsel respecting Harbour matters, regarding correspondence received from the Hamilton Harbour Commissioners dated July 27, 1990 on the subject of the Windermere Basin and reconvened immediately thereafter.

The Joint Committee recommended to City Council the following:

That the Region/City approve the additional financial contribution in the amount of $106,675.10 (each) subject to the following:

(a) That the Hamilton Harbour Commissioners administer the funds pursuant to the Windermere Basin Trust Agreement dated the 26th day of May 1988;

(b) That the Hamilton Harbour Commissioners and the Region/City agree on a process for land use determination of Windermere Basin and the Harbour;

(c) That the Hamilton Harbour Commissioners transfer to the Region/City a minimum of 5% of land in the Windermere Basin for parkland dedication (or equivalent satisfactory to the Region/City recognizing development and maintenance and further Landscaping plans set out in the Windermere Basin Reclamation Project plans), for parkland or gateway/aesthetic purposes PROVIDED that the interest determined is concurred with by the other funding partners, thereby supporting the intent of the original Funding Agreement; and

(d) That the Hamilton Harbour Commissioners agree to report regularly to the Region/City Councils on the clean-up project of Windermere Basin.

3. SPECIAL MEETING

The Committee also resolved that a special meeting of City Council be held at 6:00 p.m. on Thursday, August 28, 1990 to discuss the conditions with Mr. Binnie.

4. ADJOURNMENT

There being no further business, the Joint Committee adjourned.

Taken as read and approved,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

Susan K. Reeder, Secretary
Planning and Development Committee

Tina Agnello, Secretary
Transport and Environment Committee

August 22, 1990

Typed by M. J. Walton

PLANNING AND DEVELOPMENT COMMITTEE
1990 OCTOBER 24th

CONSENT AGENDA

ADOPTION OF THE MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE:

A. Minutes of the Meeting of the Planning and Development Committee held on Wednesday, 1990 September 19th and Wednesday, 1990 October 3rd.

BUILDING COMMISSIONER - DEMOLITION PERMIT APPLICATIONS

B. 21 Rymal Road West
C. 1471 Upper James Street
D. 1451 Upper James Street
E. 1459 Upper James Street
F. 1465 Upper James Street
G. 252 Victoria Avenue North
H. 256 Victoria Avenue North
I. 1124 Upper James Street
J. 1123 Upper Wentworth Street
K. 1399 Upper James Street
L. 1405 Upper James Street
M. 1411 Upper James Street
N. 1417 Upper James Street

MANAGER OF PURCHASING

O. Supply, Deliver and Install Main Street West Pedestrian Barriers.

Wednesday, 1990 September 19
9:00 o'clock a.m.
Room 233, City Hall

A.

The Planning and Development Committee met.

There were present: Alderman F. Lombardo, Chairman
Alderman D. Drury, Vice-Chairman
Mayor Robert M. Morrow
Alderman W. McCulloch
Alderman M. Kiss
Alderman D. Ross
Alderman H. Merling

Also present: Alderman T. Jackson
Alderman D. Agostino
Alderman V. Agro
Alderman T. Murray
Alderman B. Hinkley
Mr. Kelterborn, Hamilton Board of Education representative
Mr. L. Sage, Chief Administrative Officer
Mr. D. Carson, Mayor's Office
Mr. A. Georgieff, Director of Local Planning
Mr. J. Johnston, Commissioner of Human Resources
Mr. L. King, Building Commissioner
Mr. P. Lampman, Deputy Building Commissioner
Mr. M. Watson, Real Estate Division, Property Department
Mr. J. Lakatos, Planning Department
Mr. D. Godley, Planning Department
Mr. K. Brenner, Engineering Department
Ms. J. McNeilly, Community Development Department
Mr. J. Robinson, Community Development Department
Mr. R. Karl, Traffic Department
Ms. P. Noé Johnson, City Solicitor
Mr. G. Groppler, Planning Department
Mr. D. Vyce, Director of Property
Mr. P. Mallard, Planning Department
Mr. W. Wong, Building Department
Mr. J. Schwarz, Regional Planning Department
Mr. J. Sakala, Planning Department
Mrs. V. Grupe, Planning Department
Mrs. Susan K. Reeder, Secretary

CONSENT AGENDA

The Committee was in receipt of its Consent Agenda. The Secretary advised that the minutes included in the Consent Agenda of the Joint Meeting of the Transport and Environment Committee and the Planning and Development Committee should be amended as per the amendment of the Transport and Environment Committee to include Alderman Agro as being in attendance. The Committee concurred with this recommendation and approved the Consent Agenda as follows:

(A) **ADOPTION OF THE MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE:**

The Committee approved the minutes of the Joint Meeting of the Planning and Development Committee and the Transport and Environment Committee held Wednesday, 1990 August 22, as per the above-noted amendment.

BUILDING COMMISSIONER

(B,C, D) **Demolition Permit Applications**

The Committee was in receipt of a report from the Building Commissioner respecting Demolition Permit Applications and approved the following:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

(a) 250 MacNab Street North
(b) 982 Concession Street
(c) 315 Caroline Street South

CITY TREASURER

(E) Final Release of Holdback - Delmar Contracting Limited - James Street North Streetscape.

The Committee was in receipt of a report from the Director of Property dated 1990 September 12, respecting Final Release of Holdback.

The Committee approved the following:

That holdback in the amount of $13,855.ll be released to Delmar Contracting Limited for the completion of the contract, P. O. 31234, for the Downtown Hamilton Action Plan - Phase V (James Street North Streetscape), pending receipt by the Treasury of the Standard Release Forms from the Contractor and the City Solicitor's Department.

DIRECTOR OF PROPERTY

(F) Release of Building Covenants - Fifty Yonge Street South Inc. - 85 Burford Road, Part of Lot 1, Grayside Industrial Estate No. 1, Plan 1382.

The Committee was in receipt of a report from the Director of Property dated 1990 September 11, respecting the above-noted Release of Building Covenants and approved the following:

That the City Solicitor be authorized to prepare the necessary Release Agreement from the City of Hamilton to the present owner, Fifty Yonge Street South Inc. of 85 Burford Road, Hamilton, Ontario to release the property from the construction covenants to the City as contained in Deed Instrument #180981 A. B. and 180982 A. B. Registered on 1970 September 11.

(G) Release of Building Covenants - G.N.A.S. Land Group Inc. - 1124 and 1136 Rymal Road East.

The Committee was in receipt of a report from the Director of Property dated 1990 September 12, respecting the above-noted Release of Building Covenants and approved the following:

That the City Solicitor be authorized to prepare the necessary Release Agreement from the City of Hamilton to the present owner, G.N.A.S. Land Group Inc. of 1124 and 1136 Rymal Road East, Hamilton, Ontario to release the property from the construction covenants to the City as contained in Deed Instrument #202643 L. T. and 212805 L. T. Registered on 1987 June 18 and 1987 November 9 respectively.

(H) Extension of Commencement and Completion Dates of Construction - Hamilton Mountain Industrial Park No. 1, Plan M-227 - City Sale of Lot 18, Nebo Road (No. 140).

The Committee was in receipt of a report from the Director of Property dated 1990 September 12, respecting the above-noted matter and approved the following:

That the Offer to Purchase the lands of the Corporation of the City of Hamilton, being composed of Lot 18, Plan M-227, duly executed on 1989 August 23, by the purchasers Allan Michaels Electric Ltd., and approved by City Council on 1989 September 26, Item 8 of the Twenty-First Report of the Planning and Development Committee, be amended as follows:

(a) That the commencement of construction date be extended from 1990 September 12 to 1991 March 12.

(b) That the completion of construction date be extended from 1991 September 12 to 1991 December 31.

(c) That all other terms and conditions of the agreement shall remain the same and time is of the essence.

DIRECTOR OF COMMUNITY DEVELOPMENT

(I,J,K L,M) Applications - City of Hamilton Heritage Programme

The Committee was in receipt of reports from the Director of Community Development respecting Applications for City of Hamilton Heritage Programme funding for properties on Ferguson Avenue South and approved the following recommendations:

5. (a) That a repayable loan under the Community Heritage Trust Fund in the amount of two thousand, five hundred and sixty-seven dollars ($2,567.)be approved for Ilze Dreimanis, 221 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of two thousand, five hundred and sixty-eight dollars ($2,568.) be provided to Ilze Dreimanis, 221 Ferguson Avenue South, Hamilton.

6. (a) That a repayable loan under the Community Heritage Trust Fund in the amount of two thousand, six hundred and eighty-four dollars ($2,684.)be approved for Betty Jean Carlyle, 219 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of two thousand, six hundred and eighty-four dollars ($2,684.) be provided to Betty Jean Carlyle, 219 Ferguson Avenue South, Hamilton.

7. (a) That a repayable loan under the Community Heritage Trust Fund in the amount of two thousand, five hundred and sixty-seven dollars ($2,567.)be approved for Penelope Preston, 223 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of two thousand, five hundred and sixty-eight dollars ($2,568.) be provided to Penelope Preston, 223 Ferguson Avenue South, Hamilton.

8. (a) That a repayable loan under the Community Heritage Trust Fund in the amount of two thousand, five hundred and sixty-seven dollars ($2,567.)be approved for Hugh R. Caughey, 225 Ferguson Avenue South, Hamilton. The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of two thousand, five hundred and sixty-eight dollars ($2,568.) be provided to Hugh R. Caughey, 225 Ferguson Avenue South, Hamilton.

9. (a) That a repayable loan under the Community Heritage Trust Fund in the amount of two thousand, six hundred and forty-four dollars ($2,644.)be approved for Elaine Elson, 227 Ferguson Avenue South, Hamilton.The interest rate will be six percent, amortized over 10 years; and,

(b) That a Designated Property Grant in the amount of two thousand, six hundred and forty-four dollars ($2,644.) be provided to Elaine Elson, 227 Ferguson Avenue South, Hamilton.

CITY SOLICITOR AND BUILDING COMMISSIONER

(N) Building Code Prosecution - Gino Toscani and Toscani Development Limited.

The Committee was in receipt of an Information Report from the City Solicitor and the Building Commissioner, respecting the above-noted matter and agreed to **RECEIVE** this Information Report.

At this point, the Committee agreed to move **IN-CAMERA** to discuss matters of a Private and Confidential nature.

Following the **IN-CAMERA** session, the Committee then moved into regular session and approved the following:

(AA) Referred by City Council:

(BB) Joint Report - Chief Administrative Officer, Director of Community Development, Director of Property, Director of Public Works - Re-organization - Department of Community Development:

(a) That the duties and responsibilities of the Department of Community Development be transferred as follows:

Function		Department
(i)	Community Renewal Section	Public Works
(ii)	Hamilton Waterfront Parks Project	Public Works
(iii)	Housing Loans Section	Building Department
(iv)	Municipal Non-Profit (Hamilton) Housing Corporation	Chief Administrative Officer

and that the respective staff be reassigned accordingly.

(b) That the following positions be deemed redundant:

(i) Director (to be retired)
(ii) Administrative Assistant II (to be reassigned to a vacant position)
(iii) Stenographer IV (to be reassigned)

NOTE: The salary savings, based on 1990 rates will be $127,692.76 annually (5 year savings approximately $711,000.)

(CC) BUILDING COMMISSIONER

(DD) Building Department Service - Re-organization of Inspection Division.

(a) That the organizational structure for the Inspection Division of the Building Department as shown on Table B, attached herewith and marked Appendix "B", be approved.

(b) That the newly established positions of Supervisor Building Standards and Supervisor Inspection Services be referred to the Commissioner of Human Resources for classification. Also, the stenographic staff positions are to be reviewed for determination of proper classifications.

NOTE: These changes do not affect staff complement.

The proposed reorganization can be implemented within the Department's existing budget. It is anticipated that long range savings will be in the range of $10,000./year.

(N) CITY SOLICITOR AND BUILDING COMMISSIONER - BUILDING CODE PROSECUTION

As a result of an Information Report presented to Committee and **RECEIVED** at the beginning of the meeting, respecting the above-noted matter the Committee was in receipt of an added report from the Building Commissioner dated 1990 September 17, respecting Increase in Fine Levels - Violations of the Building Code Act. The Building Commissioner spoke to this matter and indicated that the Ontario Buildings Branch and the Ministry of Housing have been considering various increases to the Building Code Act to increase fine levels for Building Contractors in violation of the Code and recommended that City Council endorse the proposals. Accordingly, the Committee approved the following:

That City Council petition the Province of Ontario to enact proposed changes to the Building Code Act for increased fine levels.

NOTE: Proposed changes to the fines levied under the Building Code Act have been proposed by the Ontario Buildings Branch and the Ministry of Housing for numerous years. The latest draft is as follows:

"It is proposed that the new penalty for individuals per offence would be not more than $25,000. on first conviction, and not more than $50,000. on subsequent conviction; for corporations per offence, not more than $50,000. on first conviction and not more than $100,000. on subsequent conviction; and for conviction of failure to comply with an Order, not more than $10,000. per day for every day upon which the offence continues after the time specified in the Order to achieve compliance with the Order has expired. Prison terms would remain the same."

REGULAR AGENDA

DIRECTOR OF COMMUNITY DEVELOPMENT

2. Provincial/Municipal Housing Agreement.

The Committee was in receipt of a report from the Director of Community Development dated 1990 September 10, respecting the Provincial/Municipal Housing Agreement.

Considerable discussion ensued on this matter and the following recommendation resulted in a tie vote.

THE FOLLOWING RECOMMENDATION RESULTED IN A TIE VOTE AT THE PLANNING AND DEVELOPMENT COMMITTEE AND IN ACCORDANCE WITH CITY COUNCIL POLICY IS HEREWITH PRESENTED TO COUNCIL.

(a) That the Mayor and City Clerk **NOT** be authorized to sign, on behalf of the Corporation of the City of Hamilton, the Provincial/Municipal Housing Agreement, attached herewith and marked Appendix "A".

(b) That the Department of Community Development, in conjunction with other relevant Departments, **NOT** be directed to continue to negotiate with the Province of Ontario on those items included in the Agreement but not completely resolved as of the date of signing.

(c) (i) That the Department of Community Development, on behalf of the Corporation of the City of Hamilton, **NOT** act as agent, on a fee for service basis, for the implementation of the Provincial Government's Convert-To-Rent Programme.

(ii) That the Mayor and City Clerk **NOT** be authorized to sign the necessary Provincial/Municipal Implementation Agreement for the Convert-To-Rent Programme satisfactory to the City Solicitor. The terms and conditions of the Convert-To-Rent Programme have been approved by the Planning and Development Committee.

(d) That the Department of Community Development **NOT** implement a Supplemental Loan Programme in conjunction with the Convert-To-Rent Programme at a Capital Cost of $740,000. The Programme will be available in Business Improvement Areas only, and the terms and conditions have been approved by the Planning and Development Committee. (For the Information of Council, the cost has been approved in the Department of Community Development's 1990-1994 Capital Budget.)

(e) (i) That the Department of Community Development **NOT** establish an Emergency Loan Programme using $200,000. from the revolving fund established by the Hamilton Rehabilitation Programme; and,

(ii) That the Department of Community Development **NOT** be authorized to process emergency loans not to exceed $2,000. to owner/occupants of residential single-family homes based on the terms and conditions approved by the Planning and Development Committee.

(f) (i) That the Department of Community Development **NOT** implement a $10,000. Demonstration Programme, funded by the Province of Ontario, concerning the storage and re-use of equipment funded under the Ontario Home Renewal Programme - Disabled.

(ii) That the Mayor and City Clerk **NOT** be authorized to sign the necessary Provincial/Municipal Implementation Agreement for the Demonstration Programme satisfactory to the City Solicitor. The terms of the Demonstration Programme have been approved by the Planning and Development Committee.

Recorded vote - Yeas: Lombardo, McCulloch, Ross and,

Nays: Kiss, Drury and Merling.

3. **Crown Point West/Stipeley P.R.I.D.E. Phase II; Authorization to Sign the Provincial/Municipal Agreement.**

The Committee was in receipt of a report from the Director of Community Development dated 1990 September 10, respecting the above-noted matter and approved the following:

That the Mayor and City Clerk be authorized to sign the Provincial/Municipal Agreement for the Crown Point West/Stipeley Phase II Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.).

4. **Crown Point West/Stipeley P.R.I.D.E. Phase II; Appointment of Consultant.**

The Committee was in receipt of a report from the Director of Community Development dated 1990 September 13, respecting the above-noted matter and approved the following:

(a) That, Basciano-O'Connor Landscape Architects Ltd., 1150 Blair Road, Burlington, Ontario, L7M 1K9, be appointed to carry out the design, concept development, detailed drawings and specifications for the Crown Point West/Stipeley Phase II Programme for Renewal, Improvement, Development and Economic Revitalization (P.R.I.D.E.) at a total set fee of thirty thousand dollars ($30,000.) as per the attached Schedule, marked as Appendix "C"; and,

(b) That, the City Solicitor be authorized and directed to prepare the necessary legal agreement to carry out (a) above; and,

(c) That, the Mayor and City Clerk be authorized to sign the legal agreement referred to in (b).

NOTE: Funds are available in the Crown Point West/Stipeley Phase II P.R.I.D.E. Account No. CF 5200 428902002.

ACTING COMMISSIONER OF ENGINEERING

5. **Amendment - "Nash Orchard Heights West" Subdivision.**

The Committee was in receipt of a report from the Acting Commissioner of Engineering dated 1990 September 11, respecting the above-noted matter and approved the following:

That Item 1.5 of Schedule "D" of the City of Hamilton Subdivision Agreement for Nash Orchard Heights West be amended to state "Security required for Parkland Purposes $200,000." and that said securities be held until 1992, and at that time the developer will either transfer to the City, lands equal to the deficient parkland areas of 1540.28m^2 or make a cash payment of $200,000. in lieu of dedicating said lands.

6. **Land Severance Application - conveyance of lands.**

The Committee was in receipt of a report from the Acting Commissioner of Engineering dated 1990 September 5, respecting the above-noted matter and approved the following:

(a) That the City of Hamilton convey to the adjacent owners (832200 Ontario Ltd.) lands known as Part 14 of Plan 62R-4121, on Templemead Drive, in the City of Hamilton, and that the sale price for these lands be $1.00.

(b) That the City Real Estate Department be authorized to sell Part 14 of Plan 62R-4121.

(c) That the City Solicitor be authorized to execute any documents required in this matter.

NOTE: These lands are located on the east side of Templemead Drive in the Templemead Neighbourhood.

CITY SOLICITOR

7. Repeal of Designation of 65 Markland Street.

The Committee was in receipt of a report from the City Solicitor dated 1990 September 6, respecting Repeal of Designation of 65 Markland Street and the Committee approved the following:

> That the City Solicitor be authorized to prepare and register on title a By-law to repeal By-law No. 89-295, which designated 65 Markland Street as property of historic and architectural value and interest, for presentation to City Council.

8. Expropriation - Offer of Compensation and Notice of Possession - 403 Sherman Avenue North. (Alpha Enclave)

The Committee was in receipt of a report from the City Solicitor dated 1990 September 12, respecting the above-noted matter and approved the following:

> That with respect to the vacant residential property municipally known as 403 Sherman Avenue North, expropriated pursuant to Expropriation By-law No. 90-35 for the purpose of removing residential uses from the Industrial-zoned areas of the Alpha Enclave, that the City Clerk be authorized to:
>
> (a) Sign and serve Notice, in accordance with Section 41 of the Expropriations Act, that possession of the expropriated land is required;
>
> (b) Sign and serve Offers of Compensation, in accordance with Section 25 of the Expropriations Act, for the expropriated land as follows:
>
> The total Offer of Compensation for this property is $50,000. This is to be distributed among the following former owners and encumbrancers:

Donald Arnott	Spouse of Donald Arnott
Audrey Arnott	Spouse of Audrey Arnott
Raj Rani Jain	Spouse of Raj Rani Jain
Sumat Parkash Jain	Spouse of Sumat Parkash Jain
Douglas MacDonald	Spouse of Douglas MacDonald
Aldina MacDonald	Spouse of Aldina MacDonald
George Willard Roberts	Spouse of George Willard Roberts
Barbara Roberts	Spouse of Barbara Roberts
Stanley Smieska	Spouse of Stanley Smieska
Canada Trust Company	Household Finance Corporation
McKerlie-Millen Ontario Inc.	National Bank of Canada
National Trust Company	Ontario Legal Aid
Texaco Canada Inc.	Maynard Bath
Spouse of Maynard Bath	Satwant Bendi
Spouse of Satwant Bendi	Parkash Bendi
Spouse of Parkash Bendi	David F. Donovan
Spouse of David F.Donovan	Robert Hartshorne
Spouse of Robert Hartshorne	P.J. Associates Collection Services

NOTE: The City Treasurer has advised that funds are available in Account No. CF 5590 308750001 in the Alpha Enclave Clearance Programme.

TASK FORCE ON AFFORDABLE HOUSING

9. Housing Intensification Study.

The Committee was in receipt of a letter from the Chairman of the Regional Chairman's Task Force on Affordable Housing dated 1990 August 21, respecting the Housing Intensification Study. The correspondence from the Chairman requested that the Task Force be given an opportunity to have the Housing Intensification Study referred to them for a full review and response. The Planning and Development Committee agreed that this input should be requested.

ALDERMAN D. DRURY

10. Ammunition in Gun Shops.

The Committee was in receipt of a memorandum from Alderman Drury dated 1990 August 18, with respect to Ammunition in Gun Shops. The Alderman responded to an Information Report forwarded to the Committee from the City Solicitor on 1990 July 30, outlining the regulations of ammunition contained in Gun Shops within the City of Hamilton. The Alderman requested that a Task Force be set up to review the regulations respecting the amount of ammunition which could be contained in Gun Shops, and accordingly approved the following:

> That a By-law Task Force be struck with representatives from the License Section of the City Clerk's Department, Building Department and the Police force to report back to the Planning and Development Committee on the advisability and feasibility of establishing a by-law regulating the type and amount of ammunition to be stored at any one location.

DELEGATION

11. Vehicular access to the south leg of King Street between James and John Streets.

The Committee was in receipt of a letter from Bernard Hanna, Chairman, The Board of Management, The Downtown Hamilton Business Improvement Area indicating that they are opposed at this time to the south leg of King Street East being re-opened for vehicular traffic.

The Committee was also in receipt of a report from the Director of Traffic Services dated 1990 April 19, respecting the south leg of King Street between James and John Streets.

Alderman V. Agro was in attendance at the meeting along with Mr. Scarfone, Solicitor for a merchant on King Street, and both gentlemen spoke to their request to have the south leg of King Street between James and John Streets re-opened for vehicular traffic.

Following considerable discussion on the pros and cons of opening up the south leg of King Street between James and John Streets, the Committee concurred with the recommendation of the Director of Traffic Services as follows:

(a) That the policy decision to prohibit vehicular traffic on the south leg of King Street between James and John Streets between the hours of 11:00 o'clock a.m. to 6:00 o'clock p.m. be reconfirmed; and,

(b) That the Committee authorize and instruct the Director of Traffic Services to report to the Transport and Environment Committee respecting the establishment of part-time taxi stands within the loading bays on the south leg of King Street between James and John Streets.

REFERRAL BY CITY COUNCIL

12. Section 18 of the FIFTEENTH Report of the Planning and Development Committee - Zoning Application 90-36 - property at the rear of 1422 and 1430 Upper Sherman Avenue.

The Committee was in receipt of a memorandum from the Deputy City Clerk dated 1990 August 30, respecting the referral back of the above-noted Section to the Planning and Development Committee. The Committee was also in receipt of a memorandum from the Secretary of the Planning and Development Committee dated 1990 August 30, explaining that the Section which was forwarded to City Council was inaccurate and should have read as approved by the Planning and Development Committee and the Secretary outlined the way the report should have read, as well as attaching the Staff report on the issue.

The Committee then approved the following recommendation:

That Item 13 of the Thirteenth Report for 1990 of the Planning and Development Committee, adopted by City Council at its meeting of 1990 July 31, regarding amended Zoning Application 90-36, Carriage Gate Homes Ltd., prospective owners, be repealed and replaced with the following revised resolution:

"That approval be given to amended Zoning Application 90-36, Carriage Gate Homes Ltd., prospective owners, requesting changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "1") and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), to permit the development of the subject lands for small lot single-family dwellings, for the property located at the rear parts of 1422 and 1430 Upper Sherman Avenue, as shown on the attached map marked as Appendix "D", on the following basis:

(a) That Block "1" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;

(b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District;

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block "1") and from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District (Block "2"), for the property located at the rear parts of 1422 and 1430 Upper Sherman Street.

The effect of the by-law is to permit the development of the subject lands for small lot single-family dwellings".

ZONING APPLICATIONS

13. **Zoning Application 90-06, Agomen Group 1 Limited, owner, for a modification to the "H" District regulations for properties at 260 - 280 King Street East; Beasley Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 13, respecting the above-noted zoning application. The staff recommendation recommended **DENIAL** of the original application with a suggested amended zoning application for a mixed commercial/residential building on the properties. The staff recommendation for **DENIAL** of the original application to permit a 12 storey mixed commercial/residential building was based on the following reasons:

(a) Approval of the application would be contrary to sound Traffic Planning principles, in that the proposed loading space arrangement would interfere with the efficient and safe movement of traffic along this portion of King Street East;

(b) The proposed bulk, scale and density of development would be incompatible and out of character with the established development in this area which is predominantly comprised of 3 to 4 storey mixed commercial/residential buildings;

(c) It represents an over intensification of land use, in that the gross floor area is approximately 58% greater than what is presently permitted for a lot of this size under the established "H" District zoning; and,

(d) Approval of the application would encourage other similar applications in this area which, if approved, would undermine the intent of the Official Plan and the Zoning By-Law.

The Committee was in receipt of the following letters of submission:

(a) Chairman, Board of Management, International Village B.I.A.
(b) Jurise Berzins, Village Gate Condominiums
(c) Petition - Merchants of the International Village B.I.A.
(d) Marvin Caplan, Marvin Caplan Gentlemen's Apparel
(e) Jon Zemitis and Vija Darkevia
(f) Peter Mandia, Executive and Artistic Director, Theatre Aquarius

The report of the circularization was given as follows:

422 notices sent 57 in favour 2 opposed

The architect for the project showed the Committee a model of the proposed development and spoke briefly about the type of development which they wish to place on the property at King Street East.

The Committee then discussed this matter and agreed to **APPROVE** this application to permit a mixed commercial/residential building on the property on King Street as follows:

(a) That approval be given to amended Zoning Application 90-06 Agomen Group I Ltd., owners, for a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations to permit a mixed commercial/residential building on property located at 260-280 King Street East, as shown on the attached map marked as Appendix "E", on the following basis:

(i) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to the lands shown on Appendix "E", be modified to provide for the following variances as special provisions:

(1.) That notwithstanding Sections 14(1)(iiia), 14(2) and 14(5) a mixed commercial/residential building shall be permitted provided:

(a) It has a maximum of 127 dwelling units;

(b) It has a maximum building height of 12 storeys;

(c) It has a maximum gross floor area ratio of 6.31; and,

(d) The multiple dwelling is attached to only commercial use(s) permitted under the "CR" (Commercial-Residential) Districts (Section 15B(3)(b)) of Zoning By-law No. 6593.

(2.) That all residential uses shall be located completely and functionally separate from any commercial uses, and pedestrian access to the residential units shall be completely separate from pedestrian access to the commercial uses;

(3.) That a minimum of 698.0 m^2 (7,520 sq.ft.) of landscaped area shall be provided and maintained either at or above grade, or any combination thereof;

(4.) That notwithstanding Sections 18A(1)(c) and 18A(1)(d) one loading space having a minimum dimension of 18.0 m X 3.7 m X 4.3 m shall be provided and maintained on the lot;

(5.) That notwithstanding Section 18A(9) the manoeuvring space for the required loading space shall be located off-site;

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1189, and that the subject lands on Zoning District Map E-4 be notated S-1189;

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-4 for presentation to City Council;

(iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;

(v) That the Beasley Neighbourhood Plan be amended by redesignating the subject lands from "Commercial" to "Commercial and Apartments".

(b) That By-law 79-275, as amended by By-law 87-223, establishing Site Plan Control, be amended by adding the lands shown on the attached map marked as Appendix "E" to Schedule "A".

(c) That the amending By-law not be forwarded for passage by City Council until the applicant has applied for and received approval of a Site Plan registered on title.

(d) That demolition of the building be subject to Demolition Control under Section 33(6) of The Planning Act R.S.O.

NOTE: The purpose of the By-law is to provide for a modification to the established "H" (Community Shopping and Commercial, etc.) District regulations, applicable to the lands located at 260-280 King Street East.

The effect of the By-law is to permit the development of the subject lands for a mixed commercial/residential building having approximately 1,360.0 m^2 (14,640 sq.ft.) of ground floor retail commercial space, and 127 dwelling units (apartments).

In addition, the By-law provides for the following variances as special requirements:

(a) That the maximum gross floor area of the building be restricted to 6.31 X lot area;

(b) That the building height be restricted to a maximum of 12 storeys;

(c) That only the commercial uses as set out under the "CR" (Commercial- Residential) Districts shall be permitted in conjunction with residential uses;

(d) That all residential uses shall be located completely and functionally separate from any commercial use, and pedestrian access to the residential units shall be completely separate from pedestrian access to the commercial uses;

(e) That a minimum landscaped area of 698.0 m^2 (7,520 sq.ft.) shall be provided and maintained either at or above grade, or any combination thereof.

(f) That one loading space having a minimum dimension of 18.0 m X 3.7 m X 4.3 m shall be provided and maintained on the lot;

(g) That the manoeuvring space for the required loading space shall be located off-site.

14. **Zoning Application 90-43, 668850 Ontario Ltd. (A. Tuite and L. Centurami), owner, for a change in zoning from "AA" to "C" and "HH" for properties at 69 and 75 Rymal Road East; Ryckmans Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 6, respecting the above-noted zoning application and the Committee approved the following:

That approval be given to amended Zoning Application 90-43, 668550 Ontario Limited (A. Tuite and L. Centurami), owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1"), and from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District (Block "2"), to permit single-family development on Block "1" and commercial development on Block "2", for property located at 69 and 75 Rymal Road East, as shown on the attached map marked as Appendix "F", on the following basis:

(a) That the lands described as Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;

(b) That the lands described as Block "2" be rezoned from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District;

(c) That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the lands described as Block "2", be modified to include the following variances as special requirements:

(i) That a minimum 1.5 m wide planting strip, and a visual barrier not less than 1.2 m and not greater than 2.0 m in height, shall be provided and maintained along the easterly side property line;

(ii) That Section 2 of By-law No. 86-273 be amended by deleting the words "of Block 2 and along the easterly lot lines of Blocks 2 and 3" in the last paragraph, and by adding the wording; "and along the northerly 53.40 m portion of the easterly lot line of Block 2", so that the revised paragraph reads as follows:

"...shall be provided and maintained along the northerly lot line and along the northerly 53.40 m portion of the easterly lot line of Block 2".

(d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-980a, and that the subject lands on Zoning District Map E-9D be notated S-980a;

(e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council;

(f) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,

(g) That the Ryckmans Neighbourhood Plan be amended by redesignating Block "2" from "Single and Double Residential" to "Commercial".

NOTE: The purpose of this By-law is to provide for changes in zoning for property located at 69 and 75 Rymal Road East, on the following basis:

(a) Block "1" - Change from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

(b) Block "2" - Change from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District.

The effect of the By-law is to permit single-family residential development on Block "1", and commercial development (office complex and auto sales) on Block "2".

In addition, the By-law provides for the following modification as a special requirement:

A minimum 1.5 m wide planting strip, and a visual barrier not less than 1.2 m in height and not greater than 2.0 m in height, to be provided and maintained along the easterly side property line of Block "2".

15. **Zoning Application 90-50, C. Spera-Fazackerly, owner, for a modification to the "C" District regulations for property at 1 Mount Royal Avenue; Kirkendall South Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 30, respecting the above-noted zoning application.

Report of the circularizations were given as follows:

219 notices sent, 9 in favour, 47 opposed and 38 letters of opposition received from people outside of the circularization district.

The Solicitor for the owner spoke to the Committee outlining the reasons why the application should be approved.

Mr. David Nicholson, 5 Mount Royal Avenue spoke on behalf of many people in the area in opposition to the application.

Mr. Hutley, 3 Mount Royal Avenue also spoke for numerous neighbours in opposition to the application and referred to his letter dated 1990 September 17. He also made mention of an opposition petition of over 90 signatures.

The Committee was also in receipt of the following submissions:

(a) Alderman T. Cooke
(b) Ceserino Giacinti and Ursula Giacinti, 1 Mount Royal Avenue
(c) Mr. and Mrs. Ihlenfeldt, 26 Mount Royal Avenue
(d) Mr. and Mrs. Hutley, 3 Mount Royal Avenue

The Committee then discussed this matter and **APPROVED** the following **DENIAL** recommendation:

> That Zoning Application 90-50, Christine Spera-Fazackerly, owner, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to legalize the existing three-family dwelling, for property located at 1 Mount Royal Avenue, as shown on the attached map marked as Appendix "G", be **DENIED** for the following reasons:
>
> (a) It does not comply with the intent of the Official Plan;
>
> (b) It would be an undesirable intrusion of a three-family dwelling into an area that is predominantly single-family dwellings;
>
> (c) It is an overintensification of land use, in that only one parking space can be provided on-site whereas four are required;
>
> (d) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the By-law and alter the character of the neighbourhood; and,
>
> (e) It is premature pending the completion of the Housing Intensification Study.

16. **Zoning Application 90-52, Malatesta Brothers Construction, owner, for a change in zoning from "AA" and "C" to "RT-20" for land municipally known as 1461 Upper Gage Avenue; Templemead Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 7, respecti ne above-noted zoning application.

Mr. Nick Philips, architect and representative for the owner, was in attendance and spoke to the Committee on the reasons why this application should be approved.

The Committee then discussed this matter and approved the following:

> That approval be given to an amended Zoning Application 90-52, Malatesta Brothers Construction, owners, requesting changes in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District (Block "1") and from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District (Block "2"), to permit the development of the subject lands for townhouses or maisonettes, for the property located at 1461 Upper Gage Avenue, as shown on the attached map marked as Appendix "H", on the following basis:

(a) That Block "1" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;

(b) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District;

(c) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special provisions:

(i) That Section 10E(2)(a)3 shall not apply;

(ii) That a minimum 3.0 m wide planting strip shall be provided and maintained along the easterly lot line;

(iii) That a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the easterly lot line;

(d) That the City Solicitor be directed to prepare a By-law to amend By-law No. 6593 and Zoning District Maps E-49C and E-49D for presentation to City Council;

(e) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1190, and that the subject lands on Zoning District Maps E-49C and E-49D be notated S-1190;

(f) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The purpose of the by-law is to provide for a change in zoning from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District modified (Block "1") and from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse-Maisonette) District modified (Block "2"), for the property located at 1461 Upper Gage Avenue.

The effect of the by-law is to permit future development of the subject lands for townhouses or maisonettes. In addition, the by-law provides for the following variances as special provisions:

(a) No street townhouses will be permitted;

(b) A minimum 3.0 m (10 foot) wide planting strip shall be provided and maintained along the easterly lot line; and,

(c) A 1.2 m (4 foot) to 2.0 m (6.6 foot) high visual barrier shall be provided and maintained along the easterly lot line.

17. **Zoning Application 90-49, Mintland Developments Inc., owner, for a change in zoning from "E" to "H" properties at 252, 256, 260 and 262 Victoria Avenue North; Landsdale Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 11, respecting the above-noted zoning application.

Report of the circularization was given as follows:

338 notices sent 22 in favour 2 opposed

Mr. Milton Lewis, Solicitor for the owner and Mr. Siddiqui, Planning Consultant were in attendance to speak to the application. A letter from Mr. Siddiqui to Mr. Lewis was submitted to the Committee requesting an amendment to delete a loading space requirement.

Mr. Harvey Moote, 216 West Avenue spoke to the Committee in opposition to the application. He expressed concerns at the parking impact which would be felt if the application was approved and indicated that the area is already infringed upon with abutting commercial businesses.

The Committee discussed this matter and approved the following amended recommendation in accordance with the applicant's request for an amendment to delete a loading space:

(a) That approval be given to amended Zoning Application 90-49 Mintland Developments Inc., owner, requesting a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" (Community Shopping and Commercial, etc.) District, to permit a two (2) storey building containing retail commercial uses on the ground floor and professional offices including dental and medical offices on the second floor, for property located at 252, 256, 260, and 262 Victoria Avenue North, as shown on the attached map marked as Appendix "I", on the following basis:

(i) That the lands described as Block 1 be rezoned from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" (Community Shopping and Commercial, etc.) District.

(ii) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to Blocks "1" and "2" be modified to include the following variances as special requirements:

(1.) That Section 18(3)(ivc)(b) shall not apply;

(2.) That Sections 18A(11) and (12)(a) shall not apply;

(3.) That Section 18A(1)(d) shall not apply;

(4.) That a minimum 3.0 m wide landscaped planting strip shall be provided and maintained along the westerly lot line of Block "1" adjoining Victoria Avenue North, except for any area(s) used for vehicular access.

(iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1191, and that the subject lands on Zoning District Map E-12 be notated S-1191.

(iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-12 for presentation to City Council

(v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(b) That By-law No. 79-275, as amended by By-law No. 87-233, establishing Site Plan Control be amended by adding the lands described as Blocks 1 & 2, on the attached Appendix "I" to Schedule "A".

NOTE: The purpose of the By-law is to provide for a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" (Community Shopping and Commercial, etc.) District for property located at 252, 256, 260, and 262 Victoria Avenue North.

The effect of the By-law is to permit a two (2) storey building containing retail commercial uses on the ground floor and professional offices including dental and medical offices on the second floor.

In addition, the By-law provides for the following variances as special requirements:

(a) To exempt the development from the required 3.0 m wide planting strip along the southerly rear lot line adjoining a residential district (Section 18(3)(ivc)(b));

(b) To exempt the development from the requirement of a 1.5 m setback for a parking or loading space which adjoins a residential district boundary; the minimum front yard setback for a parking area within 3.0 m of a residential district; and the requirement of a landscaped planting strip between the parking area and the residential district (Section 18A(11) and (12)(a));

(c) To exempt the development from the requirement of a loading space (Section 18A(1)(d));

(d) To require a minimum 3.0 m wide landscaped planting strip to be provided and maintained along the westerly lot line of Block "1" adjoining Victoria Avenue North, except for any area(s) used for vehicular access.

18 **Zoning Application 90-55, Intermediate Terminals, Division of Canpac International Freight Services Limited, owner, for a modification to the "KK" District regulations for property at 400 Grays Road; Grayside Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 13, respecting the above-noted zoning application.

Mr. Mark Floater, architect for the project was in attendance to speak to the Committee on the requested approval of their application.

The Committee then approved the following:

(a) That approval be given to Zoning Application 90-55, Intermediate Terminals, Division of Canpac International Freight Services Ltd., owner, requesting a modification to the "KK" (Restricted Heavy Industry, etc.) District regulations, to permit Canada Customs, customs brokers, bonded carriers, and ancillary office uses (sufferance warehouse) to occupy more than 15% of the floor area, for the property located at 400 Grays Road, as shown on the attached map marked as Appendix "J", on the following basis:

(i) That the "KK" (Restricted Heavy Industrial) District regulations as contained in Section 17A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variance as a special requirement:

(1.) That Section 17A(1)(aa) and Section 16A(1)(h) shall not apply to ancillary office space used by Canada Customs, customs brokers, bonded carriers, and a sufferance warehouse.

(ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1192, and that the subject lands on Zoning District Map E-123 be notated S-1192;

(iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-123 for presentation to City Council;

(iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(b) That By-law No. 79-275, as amended by By-law No. 87-233, establishing Site Plan Control be amended by adding the subject lands to Schedule "A".

NOTE: The purpose of the by-law is to provide for a modification to the "KK" (Restricted Heavy Industrial, etc.) District regulations for the property located at 400 Grays Road.

The effect of the by-law is to permit ancillary office space for Canada Customs, customs brokers, bonded carriers, and a sufferance warehouse to occupy more than 15% of the floor area.

19. **Zoning Application 90-13, 687469 Ontario Inc. (R. and T. Yates) owner, for a change in zoning from "AA" and "C" to "G" for properties at 1451, 1459, 1465 and 1469 Upper James Street; Ryckmans Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 13, respecting the above-noted zoning application.

The report of the circularization was given as follows:

43 notices sent 6 in favour 2 opposed

Mr. Steven Hill, on behalf of the applicant spoke in favour of the staff recommendation recommending approval of their application.

Mr. Morris, 1452 Upper James Street spoke in opposition to this application since it is a variance from the approved neighbourhood plan.

The Committee was in receipt of a letter of submission from Dr. Robert C. Dickson, 1428 Upper James Street.

Discussion ensued on this matter and the Committee agreed to change the staff recommendation to **DENY** the amended zoning application and **APPROVED** the application as follows:

(a) That amended Zoning Application 90-13, R. Yates and T. Yates, prospective owners, requesting an Official Plan Amendment and changes in zoning from "AA" (Agricultural) District to "G" - "H" (Neighbourhood Shopping Centre, etc.) Holding District for Block "1", from "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District for Block "2" and from "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District for Block "3", to permit future development of the subject lands as a neighbourhood shopping centre in conjunction with the adjoining lands to the south, for property located 1451, 1459, 1465 and 1469 Upper James Street, as shown on the attached map marked as Appendix "K", be **DENIED** on the following basis:

(i) It conflicts with the intent of the Official Plan which designates Block "1" as "Residential"; and,

(ii) It conflicts with the intent of the approved Ryckmans Neighbourhood Plan which designates Block "1" for "Low Density Apartments".

(b) That approval be given to amended Zoning Application 90-13, R. Yates and T. Yates, prospective owners, for changes in zoning from "AA" (Agricultural) District to "DE" - "H" (Low Density Multiple Dwellings) Holding District for Block "1", from "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District for Block "2" and from "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District for Block "3", to permit future development of Block "1" as low density apartments, and to permit development of Blocks "2" and "3" as a neighbourhood shopping centre in conjunction with the adjoining lands to the south, for property located 1451, 1459, 1465 and 1469 Upper James Street, as shown on the attached map marked as Appendix "L", on the following basis:

(i) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act, R.S.O., to Block "1", by introducing the holding symbol "H" as a suffix to the proposed Zoning District which will prohibit the development of the subject lands until land assembly with the adjoining lands to the south takes place and a site plan is approved for the assembled lands.

Removal of the holding restriction shall be conditional upon:

(1.) The applicants assembling the adjoining lands to the south up to the proposed mid-block collector road; and,

(2.) approval of site plans for the assembled lands.

City Council may remove the "H" symbol, and thereby give effect to the "DE" District provisions as stipulated in this By-law by enactment of an amending By-law once land assembly has taken place and a site plan is approved for the assembled lands.

(ii) That Block "1" be rezoned from "AA" (Agricultural) District to "DE" -"H" (Low Density Multiple Dwellings) Holding District;

(iii) That Block "2" be rezoned from "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District;

(iv) That Block "3" be rezoned from "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District;

(v) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations, as contained in Section 13 of Zoning By-law No. 6593, applicable to Blocks "2" and "3", be modified to include the following variances as special provisions:

(1.) That notwithstanding Section 13.(1), the following additional commercial uses shall be permitted:

(a) A liquor dispensary;
(b) A brewer's retail store; and,
(c) A video store.

(2.) That notwithstanding Section 13.(1)(xiv), a theatre with seating capacity for not more than one thousand persons shall be permitted;

(3.) That Section 13.(3)(ii) shall not apply to the southerly boundary;

(4.) That notwithstanding Section 13.(3)(i), a front yard of not less than 6.0 m shall be provided and maintained for that portion of any building located within 22 m of the southerly boundary of Block "3";

(5.) That a minimum 3.0 m wide landscaped strip shall be provided and maintained along the entire easterly boundary of Block "2";

(6.) That a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the entire easterly boundary line of Block "2";

(vi) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1193, and the subject lands on Zoning District Map E-9D be notated S-1193;

(vii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council;

(viii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,

(ix) That the Ryckmans Neighbourhood Plan be amended by redesignating part of Blocks "2" and "3" from "Commercial and Retail Warehouse" to "Neighbourhood Commercial".

(c) That the amending By-law not be forwarded for passage by City Council until such time as:

(i) The City Solicitor has been notified by Bayfield Green Developments Ltd. (owner of 1471 Upper James Street) that the rezoning applicants have entered into an agreement satisfactory to Bayfield Green to provide a permanent right-of-way to Blocks "2" and "3" (Appendix "L") to connect property municipally known as 1471 Upper James Street with the proposed access point to Upper James Street on the lands being rezoned; and,

(ii) The applicants apply for and receive approval of site plans incorporating the applicable "Urban Design Guidelines for Upper James Street" for Blocks "2" and "3" (Appendix "L"), including the adjoining lands to the south known as 1471 Upper James Street.

NOTE: In regard to Block "1", the amending By-law establishes the holding provisions of Section 35(1) of the Planning Act, R.S.O., by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until an assembly with the lands to the south has taken place and a site plan is approved for the assembled lands. Removal of the holding restriction shall be conditional upon land assembly with the lands to the south, site plan approval for the assembled lands, and the passage of an amending By-law to remove the "H" symbol, and thereby giving effect to the "DE" District provisions.

With regard to Blocks "2" and "3", the purpose of the By-law is to provide for a change in zoning from "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District for Block "2" and from "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District for Block "3" for properties located at 1451, 1459, 1465, and 1469 Upper James Street.

The effect of the By-law is to permit future development of Block "1" for low density apartments, in conjunction with the adjoining lands to the south. With regard to Blocks "2" and "3", the purpose of the By-law is to permit commercial development of the subject lands, for which the By-law provides for the following special requirements:

(a) The following additional commercial uses shall be permitted on Blocks "2" and "3": a video store, a brewers' retail outlet, a liquor store, and a theatre with a seating capacity of not more than 1,000 persons;

(b) No side yard along the southerly boundary of Blocks "2" and "3" whereas a 4.5 m side yard is required;

(c) A minimum front yard of 6.0 m (20 feet) instead of the required 24.0 m (80 feet) for that portion of any building within 22 m (72 feet) of the southerly boundary of Block "3";

(d) A minimum 3.0 m wide landscaped strip be provided and maintained along the entire easterly boundary of Block "2"; and,

(e) A visual barrier of not less than 1.2 m in height and not more than 2.0 m in height be provided and maintained along the entire easterly boundary of Block "2".

ADDED - HOUSING INTENSIFICATION STUDY

Mr. D. Godley of the Planning Department advised the Committee for information purposes that per the Chairman's request, that the Housing Intensification Study report will be brought forward to a regular meeting of the Planning and Development Committee for review and that following that the Housing Intensification Study report will be brought back to a meeting of the Planning and Development Committee which is advertised to the City as a public meeting for their input and the Committee's decision.

20. Proposed Plan for the north-west section of the Gourley Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 28, respecting the above-noted matter.

Mr. Butterworth, 802 West 5th Avenue was in attendance and spoke on the proposals.

The owner of property at 407 Brigadoon Avenue, representing the Gourley Neighbourhood was in attendance and questioned the proposed retirement village development.

A question was also asked of staff with respect to the definition of "innovative housing" and Mr. David Godley of the Planning Department responded.

Mr. Ward Campbell of Starward Homes spoke on the innovative housing aspects of the staff report and suggested that the "Charlie" type of housing which was recently built as a display model on the Board of Education property downtown would be his version of innovative housing and that they are looking at innovative housing of such a nature of the property they own in the Gourley Neighbourhood.

The Committee then approved the following:

That the proposed plan for the north-east section of the Gourley Neighbourhood, attached herewith and marked Appendix "M" (Map 1), be approved.

DIRECTOR OF LOCAL PLANNING

21. **Request for removal of the "H" (Holding Symbol) - 15 Beaverton Drive (ZA90-64).**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 30, respecting the above-noted zoning application and the Committee approved the following:

> That approval be given to Zoning Application 90-64, Salci Developments, owner, requesting the removal of the "H" (Holding) symbol provision under Section 35(1) of the Planning Act, and the City Solicitor be directed to prepare a By-law for submission to City Council for the property located at 15 Beaverton Drive, as shown on the attached map marked as Appendix "N".
>
> NOTE: The purpose of the By-law is to remove the "H" Holding symbol for property located at 15 Beaverton Drive. The holding provision was established for this property to prohibit development of the subject lands until such time as municipal services are available and a draft plan of subdivision has been approved by the Regional Municipality of Hamilton-Wentworth. In this regard, the draft plan of subdivision was approved in February of 1990. Arrangements for servicing will be completed prior to the final registration of the subdivision under the requirements of the draft plan approval.
>
> The effect of the By-law is to permit the future development of the subject lands for fifteen small lot-single family dwellings.

22. **Zoning Application 90-60, Alfrin Enterprises, owner for 73 Garfield Avenue South - request for direction.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 11, asking the Committee's direction with respect to a recently received zoning application for 73 Garfield Avenue South which is not substantially different from that previously denied by the Planning and Development Committee at its 1990 May 23 meeting. The report indicated that the practice of the Committee has been not to consider a substantially identical application from an applicant for at least a 1 year period.

The Committee discussed this matter and directed that this zoning application be processed in the normal fashion and heard by the Planning and Development Committee in due course and that the practice of not hearing an application for a 1 year period not be applied.

23. **By-law to remove part-lot control from Lots 4 and 5, Registered Plan No. 1059; Randall Neighbourhood (RPLIC No. 67).**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 13, respecting the above-noted matter and approved the following:

(a) That the City Solicitor be directed to prepare a by-law to remove part-lot control from Lots 4 and 5, Registered Plan No. 1059, for presentation to City Council.

That the by-law take effect on the date of approval by the Regional Municipality of Hamilton-Wentworth; and,

That the by-law continue in force for a term not to exceed 6 months from the date of its registration.

(b) That the Region be requested to approve the by-law removing part-lot control on the above-noted Lots 4 and 5 of Registered Plan No. 1059.

(c) That upon the fulfilment of the above condition and within 6 months of registration of the by-law, the City Solicitor prepare a repealing by-law to reinstate part-lot control on the subject property, for presentation to City Council.

24. Site Plan Control Application 90-64, L. and M. DelSordo, owners, for land municipally known as 205 Nebo Road; Rymal Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 11, respecting the above-noted matter.

The staff recommendation recommended **DENIAL** of the application for the following reasons:

(a) The proposed 3.048m setback is contrary to the 5.4m minimum setback required for pylon signs within the M-14 zoning district along Nebo Road; and furthermore,

(b) Approval of the proposed setback would set an undesirable precedent for future applications requesting reduced setbacks along Nebo Road and within the industrial area.

Mr. Delsordo was in attendance and spoke to the Committee on his desire to have his application approved.

The Committee then **APPROVED** the recommendation as follows:

That approval be given to Site Plan Control Application DA-90-64, to amend DA-89-15 by Luigi & Maria Delsordo, owners of lands known as 205 Nebo Road for a pylon sign subject to the following:

Approval by the Committee of Adjustment for the variance to reduce the required setback from 5.4m to 3.0m.

ADJOURNMENT

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN F. LOMBARDO, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1990 September 19

Wednesday, 1990 October 3
9:00 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman F. Lombardo, Chairman
Alderman D. Drury, Vice-Chairman
Mayor Robert M. Morrow
Alderman M. Kiss
Alderman W. McCulloch
Alderman D. Ross
Alderman H. Merling

Also present: Alderman D. Agostino
Alderman T. Murray
Alderman B. Hinkley
Mr. Kelterborn, Board of Education
Mr. A. Georgieff, Director of Local Planning
Ms. N. Chapple, Planning Department
Mr. B. Allick, Building Department
Mr. P. Lampman, Deputy Building Commissioner
Mr. K. Brenner, Regional Engineering Department
Mr. R. Karl, Traffic Department
Mr. D. Godley, Planning Department
Mr. M. Watson, Real Estate Division, Property Department
Ms. Patrice Noé Johnson, City Solicitor
Ms. J. Hickey-Evans, Planning Department
Mr. B. Sugden, Director of Culture and Recreation
Ms. V. Grupe, Planning Department
Mr. S. Chang, Architectural Division, Property Department
Mrs. Susan K. Reeder, Secretary

1. CONSENT AGENDA

A. ADOPTION OF THE MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE:

Minutes of the Meeting of the Planning and Development Committee held on Wednesday, 1990 August 22nd.

The Committee was in receipt of the minutes of their meeting held Wednesday, 1990 August 22nd and approved these minutes.

BUILDING COMMISSIONER - DEMOLITION PI MIT APPLICATIONS

B.& C. 2553 Barton Street East, 373 Sherman Avenue North.

The Committee was in receipt of a reports from the Building Commissioner, respecting the above-noted Demolition Permit Applications and approved the following:

That the Building Commissioner be authorized to issue demolition permits for the following properties:

(a) 2553 Barton Street East
(b) 373 Sherman Avenue North

DIRECTOR OF LOCAL PLANNING

D. By-law to remove Part-lot control from Lots 1-30, 53-67, 69-138 inclusive "140" of Registered Plan 62M-639.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 26, respecting the above-noted matter and the Committee approved the following:

(a) That the City Solicitor be directed to prepare a by-law to remove part-lot control from Lots 1 to 30, 53 to 67, 69 to 138 inclusive, and Block "140" of Registered Plan 62M-639, for presentation to City Council

(b) That the by-law take effect on the date of approval by the Regional Municipality of Hamilton-Wentworth; and,

(c) That the by-law continue in force for a term not to exceed 1 year from the date of its registration.

(d) That the Region be requested to approve the by-law removing part-lot control on the above-noted Lots 1 to 30, 53 to 67, 69 to 138 inclusive, and Block "140" of Registered Plan 62M-639.

(e) That upon the fulfilment of the above conditions, and within 1 year of registration of the by-law, the City Solicitor prepare a repealing by-law to reinstate part-lot control on the subject property, for presentation to City Council.

NOTE: The lands are located south of Rymal Road East and east of Upper Gage Avenue in the Broughton East Neighbourhood, City of Hamilton. The lands are part of Lillian Heights, a plan of subdivision which was registered in part as R.P. M-639.

REGULAR AGENDA

ALDERMAN B. HINKLEY

2. 20 Huron Street

The Committee was in receipt of a memorandum from Alderman B. Hinkley, dated 1990 September 17, requesting that he be allowed an opportunity to speak to the Committee with respect to drainage problems being experienced by Mr. Harold Tarbutt of 20 Huron Street. Mr. Tarbutt, was in attendance with Alderman Hinkley at the meeting.

Alderman Hinkley outlined the difficulties being experienced by Mr. Tarbutt with respect to water run-off from his neighbour who lives at 18 Huron Street and made reference to the memorandum he had received from the Director of Inspections, Building Department which was also presented the Committee for their background information.

Considerable discussion ensued on this matter and possible methods which could be arrived at to address Mr. Tarbutt's difficulties and the Committee then agreed that this issue be referred to the City Solicitor for a report to come back to them for their next meeting to be held on 1990 October 24, to suggest possible alternatives which could be considered for implementation in assisting Mr. Tarbutt in the difficulty he is encountering with drainage from his abutting neighbour.

3. 780 Main Street East

The Committee was in receipt of correspondence forwarded to Alderman Hinkley from the Director of Inspections, Building Department respecting property at 780 Main Street East and its relationship to the Rental Housing Protection Act. Mr. John, property owner, was in attendance along with a representative of the local school Parent's Association who were expressing concerns at the derelict condition of the Main Street East property.

Considerable discussion ensued on this matter and it was agreed that the City Solicitor be directed to **AMEND** City of Hamilton By-law 87-28, respecting Inspection and Fees under the Rental Housing Protection Act, 1986 to waive fees and process the application for demolition on this property as it applies under the Rental Housing Protection Act.

In response to the request of the representative of the Parent's Association, it was agreed that the Police be asked to patrol the site on the week-ends to prevent children from getting onto the site and possible harm which could result.

SECRETARY'S NOTE:

Prior to the Committee moving into consideration of Zoning Applications, the Committee moved reconsideration of the above-noted Item, since additional information had come forward in the time period between.

The Committee was advised that further to the Building Department's zoning verification, it was clarified that this property did not fall under the Rental Housing Protection Act and accordingly, the Planning and Development Committee thus **APPROVED** the following recommendation:

> That the Building Commissioner be authorized to issue a demolition permit for the following property:
>
> 780 Main Street East

LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

4. Durand South (Markland Street Area) - Heritage Conservation District Study.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee dated 1990 September 25, and approved the following:

(a) That a Heritage Conservation District Study and Plan for the area of Durand South which includes Markland Street (James Street South to Bay Street South), Chilton Place, and MacNab Street South (between Charlton Avenue West and Markland Street) be undertaken; and

(b) That the Planning Department be directed to submit an application to the Ministry of Culture and Communication for a Heritage Conservation District Study; and,

(c) That the Solicitor's Department be directed to prepare a by-law defining Durand South (Markland Street area) as an area to be examined for future designation as a heritage conservation district.

NOTE: A petition was submitted by the property owners to the Planning Department with 26 signatures requesting the Heritage Conservation District Study and Plan.

5. Designations.

(a) 988 Concession Street (Mountain Brow)

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee, dated 1990 September 25, respecting designation of property at 988 Concession Street.

The Committee approved the following:

(a) That approval be given to the "Intent to Designate" the house at 988 Concession Street (originally known as Inkermann Cottage) as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith and marked as Appendix "A"; and,

(b) That the City Solicitor be authorized and directed to take the appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

NOTE: Designation of this property is at the request of the current owners.

(b) 74 Charlton Avenue East.

The Committee was in receipt of a report from the Secretary of the Local Architectural Conservation Advisory Committee, dated 1990 September 25, respecting designation of 74 Charlton Avenue East.

The Committee approved the following:

(a) That approval be given to the "Intent to Designate" the house at 74 Charlton Avenue East as a property of historical and architectural value, pursuant to the provisions of the Ontario Heritage Act, 1983, as outlined in the Reasons for Designation attached herewith and marked as Appendix "B"; and,

(b) That the City Solicitor be authorized and directed to take the appropriate action to have this property designated pursuant to the provisions of the Ontario Heritage Act, 1983.

NOTE: The lawyer for the St. Elizabeth Home Society has advised LACAC that his client has consented to designation.

REFERRAL BY CITY COUNCIL

6. Correspondence - Resolution - City of Brampton - Residential Development Freeze.

The Committee was in receipt of a memorandum from the City Clerk dated 1990 September 26, advising that City Council at its meeting held 1990 September 25, referred the resolution of the City of Brampton to the Planning and Development Committee for consideration and recommendation. The Committee agreed to **RECEIVE** this resolution for information purposes only.

ADDED - MEETING START TIME

The Committee discussed the start time for the Committee meetings and agreed to move their start time from 9:00 o'clock a.m. to 9:30 o'clock a.m.

ZONING APPLICATIONS

7. Zoning Application 90-59, Slovenian Society of St. Joseph Hamilton, lessee, for a change in zoning from "C" and "L-mr-1" to "DE-3" for the rear part of property at 125 Centennial Parkway North; Kentley Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 27, respecting the above-noted amended Zoning Application.

Results of the circularization were given as follows:

327 notices sent 14 in favour 5 opposed

Mr. David Barinowski, agent and Mr. Solaski, architect for the lessees of the property spoke to the Committee and outlined their proposed project.

The owner of property at 18 Fairington Crescent spoke to the Committee in opposition to the application. He felt that the notice of the meeting was not sent out early enough for people to change their schedules to attend. He also said that the map was old and not up to date. He added that he feels that the 3 storey building will block his sun, invade his privacy and force him to move. He added that he wishes to have the building located on a different spot on their property so that it does not abut their back yard. He added that he would not be opposed if the parking lot was abutting their properties rather than the building. He also spoke of a petition of neighbours from his area who are also concerned and submitted that petition to the Secretary. He said that neighbours had contemplated hiring a lawyer to defend them but that they could not raise sufficient money to do so.

Mr. DelSardo, 14 Fairington Crescent spoke in opposition to the application and also added that he wishes to have the building moved to the east side of the property.

The owner of property at 20 Fairington Crescent also reiterated the above speakers and added he wish to have the building located in another area of the very large property.

The owner of 6 Fairington Crescent spoke and added that he is not in opposition to the building but rather its location on the property which he feels would devalue his home.

The applicant then responded and advised the Committee that they had looked at alternate sites on the property for building but for various reasons which he outlined they felt that the site chosen was the site most appropriate. He also read from a recent study from the Ministry of Housing dated 1989 September 22, which indicated that Non-Profit Housing does not devalue existing property values. He indicated to the Committee that he wishes his application to stand as submitted.

The Committee then discussed this matter at some length and agreed to **TABLE** the above-noted zoning application in order that all parties can get together to possibly reach an amicable resolve to the location of the building on the property.

8. **Zoning Application 90-57, Andy Robertson, applicant, for a modification to the "C" District regulations for land at 25 Hester Street; Greeningdon Neighbourhood. (Mountain Arena).**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 26, respecting the above-noted zoning application.

Mr. Andy Robertson, 240 Bendamere Avenue and the applicant for this zoning application spoke to his request and outlined his numerous reasons why he did not agree with the staff report recommending denial of his application.

The Committee then **APPROVED** the following **DENIAL** recommendation:

> That amended Zoning Application 90-57, A R. ertson, applicant, requesting a modification to the established "C" (Urban Protected Residential, etc.) District regulations, to permit only those facilities in existence as of 1990 June 6, for property located at 25 Hester Street, as shown on the attached map marked as appendix "C", be **DENIED** for the following reasons.
>
> (a) The Mountain Arena site is in an established urban area and currently provides recreational facilities to the West mountain area of the City. It is intended to provide active recreational facilities. In this respect, limiting the types of permitted uses is inappropriate given the nature, current functions, and intended use of the Mountain Arena site;
>
> (b) The Zoning Application was submitted without the owner's (City) consent. Approval of a zoning application submitted by a person or persons for another landowner's property is an attempt to affect the proprietary rights of the owner of the land in question by altering the uses permitted as-of-right in the City's General Zoning By-law. In this regard, such a rezoning would impose a hardship on the lands in question and unreasonably affect the owner's use of such land.

(c) Approval of the application would set an undesirable precedent in that any person could attempt to limit the use of City owned land simply by bringing forth an application for rezoning which may or may not be in the City's interests.

(d) The application is premature until a Parks Master Plan and an associated review of zoning for parks and recreational facilities is undertaken by the City.

The Committee was made aware that someone in the audience wished to speak on the above-noted zoning application and accordingly, Mr. Sam Wiers, 102 Ridge Street spoke to the Committee briefly and indicated that he was opposed to the denial of this zoning application.

9. Zoning Application 90-08, G. McMillan and B. Frame, owners, for a modification to the "H" District regulations for property at 610 and 612 King Street East; Landsdale Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 26, respecting the above-noted zoning application.

Report of the circularization was given as follows:

399 sent 7 in favour 13 opposed

The applicants and owners of the property spoke to the Committee with respect to their application and requested approval.

The Committee then approved the following:

(A) That Zoning Application 90-08, Greg McMillan and Bob Frame, owners, requesting a modification of the established "H" (Community Shopping and Commercial, etc.) District regulations for property at 610 and 612 King Street East, as shown on the attached map marked as appendix "D", be DENIED for the following reasons:

(a) It represents an overintensification of use, in that the proposed dwelling units could not satisfy the basic requirements for conversion in the Zoning By-law which requires a minimum floor area of 65 m^2 for all dwelling units whereas the average minimum floor area proposed would be only 43.66 m^2 for the new units.

(b) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law and change the character of the area.

(B) That approval be given to an amended Zoning Application 90-08, Greg McMillan and Bob Frame, owners, requesting a modification of the established "H" (Community Shopping and Commercial, etc.) District regulations for property at 610 and 612 King Street East, as shown on the attached map marked as appendix "D", on the following basis:

(a) That the "H" (Community Shopping and Commercial, etc.) District regulations, as contained in Section 14 of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:

(i) that notwithstanding Section 14 of the Zoning By-law, a multiple dwelling containing a maximum of 12 dwelling units, shall be permitted within the existing building;

(ii) that the 2 dwelling units located within the basement of the existing building shall have a minimum floor area of 65 m^2;

(iii) that notwithstanding Section 18A Table l(g), a minimum of 12 parking spaces shall be provided and maintained on the lot;

(iv) that Section 18A(1)(c) and (24)(b)(i) shall not apply to the multiple dwelling existing at the date of passage of this By-law;

(b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1194 and that the subject lands on Zoning District Map E-13 be notated S-1194,

(c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-13 for presentation to City Council.

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

(e) That By-law No. 79-275, as amended by By-law 87-233, establishing Site Plan Control, be amended by adding the subject lands to Schedule "A"

(f) That the amending By-law not be forwarded for passage by City Council until such time as the applicant applies for and receives site plan approval.

NOTE: The purpose of the By-law is to provide for modification to the established "H" (Community Shopping and Commercial, etc.) District Regulations for property located at 610 and 612 King Street East.

The effect of the By-law is to permit a multiple dwelling containing a maximum of 12 apartment units.

In addition, the By-law provides for the following variances as special requirements:

(a) to require a minimum floor area of 65 m^2 for the 2 apartment units established in the basement;

(b) to require a minimum of 12 parking spaces to be provided and maintained on the lot;

(c) to exempt the development from requiring one small loading space; and,

(d) to exempt the development from requiring an access driveway of a width of 5.5 m.

NOTE: Alderman Kiss and Alderman Drury opposed.

10. **Subdivision Application 90-01 and Zoning Application 90-09, 800064 Ontario Inc. (T. DiSilvestro) owner, for changes in zoning for land municipally known as 480 Rymal Road West; Falkirk East Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 25, respecting the above-noted Subdivision Application and Zoning Application.

Report of the circularization was given as follows:

185 notices sent 10 in favour 11 opposed

Mr. DiSilvestro, owner and Mr. Morgan Pirie, planner spoke to the Committee in respect to their application and requested approval. They also requested that the wording of the recommendation be changed to indicate that the services will be placed at the boundary of the property and thus be available rather than be installed as the staff recommendation indicates.

The Committee then **APPROVED** the following amended recommendation:

That approval be given to Subdivision Application 25T-90001, 880640 Ontario Inc., c/o T. DiSilvestro, owner, to establish a draft plan of subdivision on the west side of Garth Street north of Rymal Road West, subject to the following conditions:

(a) That approval apply to the plan prepared by Urbex Management Ltd., dated 1990 June 14, revised to show 130 lots, 4 blocks (Blocks "131" to "134") for development with adjacent land, 2 blocks (Blocks "136" and "137") as road widenings and daylight triangle, Block "135" for multiple housing (Townhouses), Block "130" as part of a road and Block "139" as a 0.3m reserve.

(b) That the street, the daylight triangles and the road widenings be dedicated to the City of Hamilton as public highways on the final plan.

(c) That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.

(d) That the final plan conform to the zoning by-law approved under The Planning Act.

(e) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.

(f) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block on the final plan.

(g) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the final plan to the City of Hamilton for park purposes.

(h) That the owner dedicate sufficient lands to the City of Hamilton to establish the property line at 18.29m from the centreline of the original Garth Street road allowance.

(i) That the owner dedicate sufficient lands to the City of Hamilton to establish a 12.19m x 12.19m daylight triangle between the widened limit of Garth Street and Claudette Gate.

(j) That access to Lots 13 and 90 is to be from the internal streets only and not Garth Street. The width of Lot 13 must be great enough to allow a 3.0m to 4.0m wide access along the west limit of the lot, outside of the daylight triangle.

(k) That the owner establish the road allowance for Claudette Gate at 26.21m from the widened limit of Garth Street for a distance of 90.0m and the road allowance of Street "A" fr the 90.0m point to Lot 28 is to be established at 20.117m.

(l) That the owner eliminate the "back to back" curves on Street "A" and realign the street so that there are symmetrical road widenings on each side of the road to allow Street "A" to align centreline to centreline with Claudette Gate.

(m) That Street "B" align centreline to centreline with Roland Drive on Plan M-131 and be established with a width of 20.117m (66 feet).

(n) That the owner dedicate sufficient lands to the City of Hamilton to establish 2.0m x 2.0m daylight triangles on Lots 28 and 116.

(o) That the owner dedicate Block "130" to the City of Hamilton as a public roadway on the final plan.

(p) That the cul-de-sac bulbs be established with a 15.0m radius with a 9.0m radius transition into and out of the cul-de-sac bulbs.

(q) That Lots 127, 128 and 129 be arranged in a "Pie Shaped" manner to conform to the Neighbourhood Plan and the 20.117m bend in the road pattern that is to be established in the "Rymal Estates" (25T-83017) final plan of subdivision.

(r) That driveways on Lots 13, 14 and 15 be located at the extreme west side of each lot.

(s) That all lots and blocks on the plan not be registered until the municipal services are available to service the subject lands.

(t) That the owner shall erect a sign in accordance with Section XI of the subsequent subdivision agreement prior to the issuance of a final release by the City of Hamilton.

(u) That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.

(v) That the subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-90001), 8000640 Ontario Inc., c/o T. DiSilvestro, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

That approval be given to amended Zoning Application 90-09, 880064 Ontario Inc. (A. DiSilvestro), owner, for a change in zoning from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc.) Holding District for Blocks "1", "2", and "3", from "AA" (Agricultural) District to "R-4" - "H" (Small Lot Single-Family Detached) Holding District for Block "4", from "AA" (Agricultural) District to "RT-20" - "H" (Townhouse - Maisonette) Holding District for Block "5", from "B-2" (Suburban Residential) District to "C" - "H" (Urban Protected Residential, etc.) Holding District for Block "6" and from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc.) Holding District modified for Block "7", to permit future development of the subject lands for single-family homes (Blocks "1", "2", "3", "6", and "7"), small lot single-family detached homes (Block "4"), and townhouses or maisonettes (Block "5"), for property located at 480 Rymal Road West, as shown on the attached map marked as appendix "E", on the following basis:

(a) That the amending By-law apply the holding provisions of Section 35(1) of the Planning Act, R.S.0., to the subject lands, by introducing the holding symbol "H" as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until municipal sewers are available. Removal of the holding restriction shall be conditional upon the availability of all such municipal sewers serving the subject lands as the City deems necessary and passage of an amending By-law. City Council may remove the "H" symbol, and thereby give effect to the "C", "R-4", and "RT-20" District provisions as stipulated in this By-law by enactment of an amending By-law once municipal sewers are available.

(b) That Blocks "1", "2", "3", and "7" be rezoned from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc.) Holding District;

(c) That Block "4" be rezoned from "AA" (Agricultural) District to "R-4" - "H" (Small Lot Single-Family Detached) Holding District;

(d) That Block "5" be rezoned from "AA" (Agricultural) District to "RT-20" - "H" (Townhouse-Maisonette) Holding District;

(e) That Block "6" be rezoned from "B-2" (Suburban Residential) District to "C" - "H" (Urban Protected Residential, etc.) Holding District;

(f) That the "C" (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to Block "7", be modified to include the following variance as a special provision:

(i) That notwithstanding Section 9(4), a minimum lot width of 10 m and a minimum lot of area of 300 m^2 shall be permitted for the lot located at the northwest corner of Claudette Gate and Roland Road;

(g) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-Law No. 6593, applicable to Block "5", be modified to include the following variances as special requirements:

(i) That Section 10E(2)(a)3 shall not apply;

(ii) That a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height be provided and maintained along the northerly and westerly boundaries of Block "5".

(h) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1195, and that the subject lands on Zoning District Map W-27D be notated S-1195;

(i) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-27D for presentation to City Council;

(j) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,

(k) That the Falkirk East Neighbourhood Plan be amended by redesignating Block "5" from "single and double residential" to "attached housing".

NOTE: The amending By-law establishes the holding provisions of Section 35(1) of the Planning Act, R.S.O., on the subject lands, by introducing the holding symbol "H" as a suffix to the proposed Zoning Districts. The holding provision will prohibit the development of the subject lands until municipal sewers are available. Removal of the holding restriction shall be conditional upon the availability of all such municipal sewers as the City deems necessary and the passage of an amending By-law by the City Council to remove the "H" symbol, and thereby give effect to the "C", "R-4", and "RT-20" District provisions as stipulated in the amending By-law outlined below.

The purpose of the By-law is to provide for the following changes in zoning for property at 480 Rymal Road West.

(a)	Blocks 1, 2 and 3	-	Change from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc.) Holding District;
(b)	Block 4	-	Change from "AA" (Agricultural) District to "R-4" - "H" (Small Lot Single-Family Detached) Holding District;
(c)	Block 5	-	Change from "AA" (Agricultural) District to "RT-20" - "H" (Townhouse-Maisonette) Holding District;

(d) Block 6 - Change from "B-2" (Suburban Residential) District to "C" - "H" (Urban Protected Residential, etc.) Holding District.

(e) Block 7 - Change from "AA" (Agricultural) District to "C" - "H" (Urban Protected Residential, etc.) Holding District, modified;

The effect of the By-law is to permit future development of the lands in the following manner:

(a) Blocks 1, 2, 3, 6, and 7 - single-family homes;

(b) Block 4 - small lot single-family detached homes;

(c) Block 5 - townhouses or maisonettes.

In addition, the By-law provides for the following variances as special requirements:

(a) - no street townhouses shall be permitted on Block "5";

(b) - a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the northerly and westerly boundaries of Block "5"; and

(c) - that the lot comprising Block "7" shall have a minimum width of 10.0m whereas 12.0m is required and a minimum lot area of 300 m^2 whereas 360m^2 is required.

11. **Zoning Application 90-56, P. Mancini, P. and J. Zourntos, P. Hatzoglow and A. Tuite, owners, for a further modification to the "G-4" District regulations for land municipally known as 30 Rymal Road East; Allison Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 26, respecting the above-noted zoning application .

Report of the circularization was given as follows:

73 notices sent 3 in favour 8 opposed

A representative for one of the owners was in attendance as well as the other owners of the property.

Mr. Henk Gaasenbeek, Planning Consultant for the owners, spoke to the Committee. He made reference to a design of the building which he displayed to the Committee. He also made a presentation on why the application should be approved. He requested that staff recalculate their figures on parking space requirements and asked that the matter be tabled in order that this could be done.

Mr. John Davidson, 39 Lister Street spoke in opposition to the application. He indicated that restaurant use was prohibited in the passed and should not be changed now. He also added that if this application was approved that the area would be further eroded by traffic spilling onto Ryckman Street and other residential streets behind the Rymal Road property.

The Committee then discussed this matter and **DENIED** the application as follows:

That Zoning Application 90-56, P. Mancini, P. and J. Zourntos, P. Hatzoglou and A. Tuite, owners, requesting a further modification to the established "G-4" (Designed Neighbourhood Shopping Area) District regulations and an Official Plan Amendment to permit a maximum of three (3) restaurant uses within the shopping plaza, located at 30 Rymal Road East, as shown on the attached plan marked as appendix "F", **be DENIED** for the following reasons:

(a) It conflicts with the intent of both the Official Plan and the proposed Allison Neighbourhood Plan.

(b) It conflicts with established policy of the Planning and Development Committee and City Council not to support high traffic generating type uses on this site, and the applicant has not submitted any additional or new information to justify changes to the established policy.

(c) It represents an over intensification of land use in that 60% of the plaza would be devoted to restaurant uses (2 or 3 separate restaurants). If the number of parking spaces required was calculated using the restaurant requirement instead of the Shopping Centre ratio, the proposal would need approximately 90 spaces (based on the seating capacity for 544 persons), as opposed to 38 spaces. Eighty-two (82) spaces are provided for the entire site. Accordingly, the proposed restaurant uses will result in spill-over parking and associated traffic movements onto the adjacent residential areas which is undesirable.

(d) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan and Zoning By-law.

12. **Zoning Application 88-124, R.H.B. Murray and M.A. Murray, owners, for a change in zoning from "C" to "H" for property at 694-696 Upper James Street; Bonnington Neighbourhood.**

The Committee was in receipt from the Commissioner of Planning and Development dated 1990 August 15, respecting Zoning Application 88-124 as above.

Report of the circularization was given as follows:

310 notices sent 20 in favour 23 opposed

Mr. Bud Murray, owner of the property was in attendance and spoke to the Committee on his wish to have his application approved to permit a Real Estate Office in the existing building.

The Committee was in receipt of the following submissions:

(a) Bud Murray - request to speak to the Committee

(b) Catherine Murray, 710 Upper James Street

(c) L. J. Bergie, 79 West 1st Street

(d) Petition in favour of both ZA-90-31 and ZA-88-124

(e) Petition of opposition to ZA-90-31 and ZA-88-124

The Committee agreed to consider Item 12 and Item 13 of their Agenda since they were substantially the same areas and subsequently the Committee considered the following:

13. Zoning Application 90-31, 877175 Ontario Inc. (K. Murray) owner, for a change in zoning from "C" to "H" for property at 710 Upper James Street; Bonnington Neighbourhood.

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 August 15, respecting the above-noted zoning application.

Report of the circularization was given as follows:

167 notices sent 16 in favour 14 opposed

The Committee was in receipt of the following submission:

(a) Mr. Hadala, 163 Allenby Avenue

Mr. Catherine Murray, owner of the property at 710 Upper James Street spoke to the Committee and requested approval of her application to permit commercial uses within the existing building.

Mr. Bill Buckley, 59 West 5th Avenue spoke on behalf of homeowners in the area and submitted a petition in opposition to the application. SECRETARY'S NOTE: No addresses were affixed to this petition.

Mr. Shewchuck, 131 Allenby spoke to the Committee in opposition to the application since he has a problem with the Woolco Plaza now and is concerned at the future use of the area.

Mr. Murray, owner of the property at 694 and 696 Upper James Street responded and indicated that they have applied for rezoning in response to an Order to Comply from the Building Department after they were in the building for 3 months. He also added that his application follows on the recent Ontario Municipal Board hearing which gave approval to rezoning for another property on Upper James Street at the Tiny Tots Store.

Ms. Murray, owner of property at 710 Upper James Street spoke to the Committee and indicated that she did a price comparison on house prices on Terrace Drive, which backs onto Woolco to determine whether these homes which back onto a commercial area are affected in price. Her study found that there was no price difference in these homes and other homes in the west mountain area.

Moved by Alderman Ross, seconded by Alderman Drury to **APPROVE** a modified "H" zoning on the properties at 694, 696, and 710 Upper James Street. **MOTION LOST.**

The Committee then **APPROVED** the following **DENIAL** recommendations:

> That Zoning Application 88-124, R.H.B. Mur. y and M.A. Murray, owners, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified to permit a real estate office use within a portion of the existing building, for the property located at 694 and 696 Upper James Street, as shown on the attached map marked as appendix "G", be DENIED for the following reasons:
>
> (a) It is contrary to the Official Plan which designates the property "residential"; and,
>
> (b) It is contrary to the Planning and Development Committee's decision respecting the Upper James Land Use Review which is to retain the lands fronting on the west side of Upper James Street between Wembley and South Bend Roads for residential purposes; and,
>
> (c) Approval of the application would set a precedent for future similar applications.

That Zoning Application 90-31, Katherine Murray, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified to permit commercial uses within the existing building, for the property located at 710 Upper James Street, as shown on the attached map marked as appendix "H", be **DENIED** for the following reasons:

(a) It is contrary to the Official Plan which designates the property "residential"; and,

(b) It is contrary to the Planning and Development Committee's decision respecting the Upper James Land Use Review which is to retain the lands fronting on the west side of Upper James Street between Wembley and South Bend Roads for residential purposes; and,

(c) Approval of the application would set a precedent for future similar applications.

14. **Rental Housing Protection Act -266-280 King Street East; Beasley Neighbourhood.**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1990 September 24, respecting the above-noted Rental Housing Protection Act Application and the Committee **APPROVED** the following:

That approval be given to Rental Housing Protection Act Application DE-90-001, Agostino Ammendolia, owner, for demolition of units at 266 - 280 King Street East, on the following basis:

"That the applicant enters into an Agreement to provide the same number of new rental units (17 units), which are similar in rent and location to the existing units. This will include 12 rental apartment units and 5 rooms for lodgers. The Agreement will be registered on title and will be satisfactory to the Director of Local Planning and the City Solicitor".

There being no further business, the meeting then adjourned.

Taken as read and approved,

ALDERMAN F. LOMBARDO, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1990 October 3

B.

CITY OF HAMILTON

— RECOMMENDATION —

DATE: *October 16, 1990*

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
21 RYMAL ROAD WEST - Tag Number 80623

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 21 RYMAL ROAD WEST.

for Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" (Urban Protected Residential etc.)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Commercial Shopping Centre

BRIEF DESCRIPTION: 1½ Storey Double Brick Dwelling Measuring 27' x 30' in size

It is the intention of the owner to demolish the existing single family dwelling and propose a three (3) storey building with a plumbing and ceramics store on the first floor and professional offices on the second and third floors. By-Law 90-251, that will change the zoning from "C" (Urban Protected Residential etc.) to "HH" (Restricted Community Shopping and Commercial District), is in the thirty-five (35) day appeal period. Lot size 88.00' x 200.00'.

The owner of the property as per the demolition permit application is:

Felice Bozzo
P.O. Box 7147
Ancaster, Ontario L9G 3L4

c.c. 90.2.4.2.1.A

CITY OF HAMILTON

C.

— RECOMMENDATION —

DATE: 15 October 1990

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1471 UPPER JAMES STREET - Tag Number 80956

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1471 Upper James Street.

Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" (Urban Protected Residential, etc.) and "AA" (Agricultural District).

PRESENT USE: Single Family Dwelling

PROPOSED USE: Vacant Land

BRIEF DESCRIPTION: One and a half (1½) storey wood frame wood siding dwelling measuring 21' X 27' in size.

It is the intention of the owner to demolish the existing single family dwelling as the property is in poor condition and there are problems with vandalism and derelicts entering the building. The owner is proposing future development but does not have a proposal at the present time. Lot size 66.00' X 227.00'.

The owner of the property as per the demolition permit application is:

Bayfield Green Developments
365 Bloor St. East, Suite 1906
TORONTO, Ontario M4W 3L4
Attention: Mr. Peter Debiasio Telephone 923-4270

CITY OF HAMILTON

D.

— RECOMMENDATION —

DATE: 16 October 1990

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1451 UPPER JAMES STREET - Tag Number 80761

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1451 Upper James Street.

Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" (Urban Protected Residential, etc.) and "AA" (Agricultural District)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Commercial Shopping Centre

BRIEF DESCRIPTION One and a half (1½)storey wood frame aluminum siding dwelling measuring 20' X 24' in size.

It is the intention of the owner to demolish the existing single family dwelling for a neighbourhood shopping centre. A zoning application for a change in zoning from "C" and "AA" to "G" (Neighbourhood Shopping Centre, etc.) was approved at Planing and Development committee meeting on September 19, 1990 and adopted at City Council on September 25, 1990 to accommodate the proposed shopping centre. The proposed by-law to amend the zoning is at the draft by-law stage at present. Lot size 98.88' X 580.00'.

The owner of the property as per the demolition permit application is:

Setay Investments
P.O. Box 3030, Station C
HAMILTON, Ontario L8N 7J3
Attention: Roy Yates Telephone 595-9323

E.

CITY OF HAMILTON

— RECOMMENDATION —

DATE: 16 October 1990

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1459 UPPER JAMES STREET - Tag Number 80763

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1459 Upper James Street.

Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" (Urban Protected Residential, etc.) and "AA" (Agricultural District)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Commercial Shopping Centre

BRIEF DESCRIPTION: One and a half (1½) storey wood frame brick veneer dwelling measuring 24' X 33' in size

It is the intention of the owner to demolish the existing single family dwelling for a neighbourhood shopping centre. A zoning application for a change in zoning from "C" and "AA" to "G" (Neighbourhood Shopping Centre, etc.) was approved at Planing and Development committee meeting on September 19, 1990 and adopted at City Council on September 25, 1990 to accommodate the proposed shopping centre. The proposed by-law to amend the zoning is at the draft by-law stage at present. Lot size 98.88' X 580.00'.

The owner of the property as per the demolition permit application is:

Setay Investments
P.O. Box 3030, Station C
HAMILTON, Ontario L8N 7J3
Attention: Roy Yates Telephone 595-9323

F.

CITY OF HAMILTON

— RECOMMENDATION —

DATE: 16 October 1990

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1465 UPPER JAMES STREET - Tag Number 80762

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1465 Upper James Street.

Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" (Urban Protected Residential, etc.) and "AA" (Agricultural District)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Commercial Shopping Centre

BRIEF DESCRIPTION: One storey wood frame brick veneer dwelling measuirng 33' X 30' in size.

It is the intention of the owner to demolish the existing single family dwelling for a neighbourhood shopping centre. A zoning application for a change in zoning from "C" and "AA" to "G" (Neighbourhood Shopping Centre, etc.) was approved at Planing and Development committee meeting on September 19, 1990 and adopted at City Council on September 25, 1990 to accommodate the proposed shopping centre. The proposed by-law to amend the zoning is at the draft by-law stage at present. Lot size 65.79' X 580.00'.

The owner of the property as per the demolition permit application is:

Setay Investments
P.O. Box 3030, Station C
HAMILTON, Ontario L8N 7J3
Attention: Roy Yates Telephone 595-9323

CITY OF HAMILTON

G.

— RECOMMENDATION —

DATE: 15 October 1990

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
252 VICTORIA AVENUE NORTH - Tag Number 79277

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 252 Victoria Avenue North.

Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "E" (Multiple Dwellings, Lodges, Clubs, etc.)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Two (2) storey commercial plaza

BRIEF DESCRIPTION: Two and a half (2½) storey masonry dwelling.

It is the intention of the owner to demolish the existing single family dwelling and propose a two (2) storey commercial plaza with retail on first floor and medical and dental offices on the second floor. The owners application to change zoning from "E" to "H" was approved by Planing and Development Committee on September 19, 1990 and adopted by City Council on September 25, 1990. The proposed by-law to amend the zoning is at the draft by-law stage at present. Lot size 33.00' X 156.00'.

The owner of the property as per the demolition permit application is:

Mintland Developments Inc.
273-B Bowes Road, Unit 5
CONCORD, Ontario L4K 1H8 Telephone 669-5916

H.

CITY OF HAMILTON

— RECOMMENDATION —

DATE: 15 October 1990

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
256 VICTORIA AVENUE NORTH - Tag Number 79276

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 256 Victoria Avenue North.

Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "E" (Multiple Dwellings, Lodges, Clubs, etc.)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Two (2) storey commercial plaza

BRIEF DESCRIPTION: One (1) storey wood frame dwelling.

It is the intention of the owner to demolish the existing single family dwelling and propose a two (2) storey commercial plaza with retail on first floor and medical and dental offices on the second floor. The owners application to change zoning from "E" to "H" was approved by Planing and Development Committee on September 19, 1990 and adopted by City Council on September 25, 1990. The proposed by-law to amend the zoning is at the draft by-law stage at present. Lot size 33.00' X 156.00'.

The owner of the property as per the demolition permit application is:

Mintland Developments Inc.
273-B Bowes Road, Unit 5
CONCORD, Ontario L4K 1H8 Telephone 669-5916

CITY OF HAMILTON

I.

— RECOMMENDATION —

DATE: 15 October 1990

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1124 UPPER JAMES STREET

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1124 Upper JAMES Street.

Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "C" (Urban Protected Residential, etc.) and "AA" (Agricultural District).

PRESENT USE: Single Family Dwelling

PROPOSED USE: Red Hill Creek Expressway

BRIEF DESCRIPTION: One (1) storey wood frame brick veneer dwelling measuring 24' X 33' in size.

It is the intention of the owner to demolish the existing single family dwelling for future Red Hill Creek expressway roadwork. Lot size 60.00' X 583.00'.

The owner of the property as per the demolition permit application is:

Regional Municipality of Hamilton-Wentworth
71 Main Street West
HAMILTON, Ontario L8N 3T4
Attention: Real Estate Division, Property Department

CITY OF HAMILTON

J.

— RECOMMENDATION —

DATE: 15 October 1990

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1123 UPPER WENTWORTH

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 112' Upper Wentworth Street.

Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "AA" (Agricultural District)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Red Hill Creek Expressway

BRIEF DESCRIPTION: One (1) storey wood frame brick veneer dwelling measuring 33' X 21' in size.

It is the intention of the owner to demolish the existing single family dwelling for future Red Hill Creek expressway roadwork. The Property Maintenance Division of the Property Department has inspected the building and advised that some $15,000.00 will be required to restore the building to a habitable condition to meet standards for renting. Lot size 60.00' X 330.02'.

The owner of the property as per the demolition permit application is:

Regional Municipality of Hamilton-Wentworth
71 Main Street West
HAMILTON, Ontario L8N 3T4
Attention: Real Estate Division, Property Department

K.

CITY OF HAMILTON

— RECOMMENDATION —

DATE: 15 October 1990

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1399 UPPER JAMES STREET - Tag Number 80991

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1399 Upper James Street.

Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "HH/S-1151" (Restricted Community Shopping and Commercial District)

PRESENT USE: Single Family Dwelling

PROPOSED USE: Commercial Shopping Centre

BRIEF DESCRIPTION: One and a half (1½) storey wood frame brick veneer dwelling measuring 21' X 36' in size.

It is the intention of the owner to demolish the existing single family dwelling and propose a commercial plaza. Lot size 100.00' X 581.00'.

The owner of the property as per the demolition permit application is:

712101 Ontario Limited
M.P.O. Box 691, 629 Brant Street
BURLINGTON, Ontario L7R 3Y5 Telephone 681-0264

CITY OF HAMILTON

— RECOMMENDATION —

DATE: 15 October 1990

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1405 UPPER JAMES STREET - Tag Number 80993

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1405 Upper James Street.

Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "HH-H/S-1099" (Restricted Community Shopping and Commercial District.

PRESENT USE: Single Family Dwelling

PROPOSED USE: Commercial Shoping Centre

BRIEF DESCRIPTION: One and a half (1½) storey wood frame brick veneer dwelling measuring 21' X 39' in size.

It is the intention of the owner to demolish the existing single family dwelling and propose a commercial plaza. Lot size 90.00' X 581.00'.

The owner of the property as per the demolition permit application is:

712101 Ontario Limited
M.P.O. Box 691, 629 Brant Street
BURLINGTON, Ontario L7R 3Y5 Telephone: 681-0264

CITY OF HAMILTON

m.

— RECOMMENDATION —

DATE: 15 October 1990

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1411 UPPER JAMES STREET - Tag Number 80992

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1411 Upper James Street.

Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "HH-H/S-1099" (Restricted Community Shopping and Commercial District.

PRESENT USE: Single Family Dwelling

PROPOSED USE: Commercial Shopping Centre

BRIEF DESCRIPTION: One and a half (1½) storey wood frame brick veneer dwelling measuring 27' X 27' in size.

It is the intention of the owner to demolish the existing single family dwelling and propose a commercial plaza. Lot size 70.00' X 581.00'.

The owner of the property as per the demolition permit application is:

712101 Ontario Limited
M.P.O. Box 691, 629 Brant Street
BURLINGTON, Ontario L7R 3Y5 Telephone: 681-0264

N.

CITY OF HAMILTON

— RECOMMENDATION —

DATE: 15 October 1990

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. Len C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
1417 UPPER JAMES STREET - Tag Number 80994

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 1417 Upper James Street.

Len C. King, P. Eng.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: "HH-H/S-1099" (Restricted Community Shopping and Commercial District.

PRESENT USE: Single Family Dwelling

PROPOSED USE: Commercial Shopping Centre

BRIEF DESCRIPTION: One and a half (1½) storey wood frame brick veneer dwelling measuring 27' X 27' in size.

It is the intention of the owner to demolish the existing single family dwelling and propose a commercial plaza. Lot size 90.00' X 572.80'.

The owner of the property as per the demolition permit application is:

712101 Ontario Limited
M.P.O. Box 691, 629 Brant Street
BURLINGTON, Ontario L7R 3Y5 Telephone: 681-0264

O.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1990 October 4

REPORT TO: Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

FROM: Mr. T. Bradley
Manager of Purchasing

SUBJECT: SUPPLY, DELIVER AND INSTALL MAIN STREET WEST PEDESTRIAN BARRIERS

RECOMMENDATION:

a) That a purchase order be issued to Crozier Enterprises Ltd., Mississauga, in the amount of $172 341 to supply, deliver and install Main Street West Pedestrian Barriers, in accordance with specifications issued by the Manager of Purchasing and Vendor's Proposal.

b) That a contract be entered into satisfactory to the City Solicitor.

NOTE: Lowest acceptable of four (4) proposal received. Funds provided in Main Street West Commercial Improvement Programme 1990 Account #CF5200 4287 05011.

T. Bradley, Manager of Purchasing

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:
N/A

BACKGROUND: Proposal Analysis

Lindsay Steel Fabricating, Lindsay	$ 55 505.88 *
Stan's Welding Service, Stoney Creek	76 399.58 *
Crozier Enterprises Ltd., Mississauga	121 150.00 *
Crozier Enterprises Ltd., Mississauga	172 341.00

Twenty-two suppliers were requested to bid. Six declined and thirteen did not respond. Of the three that did respond two of the suppliers did not meet the structural requirements and the original intent of design as indicated by *. The shop drawings submitted by Crozier Enterprises Ltd., for the recommended barriers, have been approved by the Public Works, Community Development, Traffic and Regional Engineering Departments.

c.c. Accounts Payable
City Solicitor's

ACCOPRESS®

25070	YELLOW/JAUNE	BY2507
25071	BLACK/NOIR	BG2507
25072	BLUE/BLEU	BU2507
25073	R. BLUE/BLEU R.	BB2507
25074	GREY/GRIS	BD2507
25075	GREEN/VERT	BP2507
25077	TANGERINE	BA2507
25078	RED/ROUGE	BF2507
25079	X. RED/ROUGE X.	BX2507

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ACCO CANADIAN COMPANY LIMITED
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